

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5828 of 2019**

- Nilkaran Tandon @ Chingu, S/o Badri Tandon, Aged About 20 Years, R/o Village Ranchirai, Police Station Ranchirai, District Balod, (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Ranchirai, District Balod (C.G.).

---- Respondent

For Applicant	:	Mr. Punit Ruparel, Adv.
For Respondent/State	:	Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09.12.2019**

1. Pursuant to the order dated 11.11.2019 of this Court, mother of the prosecutrix namely, Hemlata Tandon had appeared before the Hon'ble Court on 05.12.2019. On being asked, she had made her objection regarding grant of bail to the applicant.
2. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 38/2019 registered at Police Station Ranchirai, District-Balod (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 5 (D)/ 6 of the POCSO Act, 2012.
3. The prosecution story, in brief is that, on 15.06.2019 at 8:30 O' Clock complainant/ mother of the prosecutrix lodged a report that by an unknown person abducted her daughter.

After investigation, on 18.06.2019 prosecutrix has been recovered from the possession of the applicant. Based on this, offence has been registered. Present applicant has been taken into custody on 19.06.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. The applicant is in jail since 19.06.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime. So, it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**