

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5936 of 2019**

- Pradeep Gupta (Pradhan) S/o Ganpati Pradhan Aged About 21 Years, R/o Village Tatkel, Mudapara P.S. And Tahsil Lailunga, District-Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Officer-In-Charge, P.S. Tamnar, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ashutosh Mishra, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.11.2019**

1. 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. 71/2019 registered at Police Station Tamnar, District-Raigarh (C.G.) for the offence punishable under Sections 294, 376, 506 of the IPC and 4, 6 of POCSO Act.
2. The prosecution story, in brief is that, on 28.03.2019 the prosecutrix had gone to house of her relative where the accused/applicant took her in a room and committed sexual intercourse with her on pretext of marriage. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the age of prosecutrix is more than 17 years. The applicant is in jail since 13.08.2019, there is no likelihood of his case being decided in near future, therefore, the

present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the prosecutrix is aged about more than 17 years. The present applicant is in jail since 13.08.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

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