

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5882 of 2019**

- Aryan @ Asik Anant, S/o Jagdish Anant, aged about 22 years, R/o village Chirhutti, P.s. Lormi, District Mungeli, C.G. Present address village Molpur, P.S. Katghora, District Korba (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station – City Kotwali, District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Shri Suresh Kumar Verma, Advocate
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****11/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.328/2018, registered at Police Station – City Kotwali, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 4, 5, 6, 7 & 8 of POCSO Act.
2. The prosecution story, in brief, is that the prosecutrix lodged a report stating therein that the applicant allured the prosecutrix, took her with him and established physical relation with her. Based on this report, offence has been registered against the applicant. The applicant has been taken into custody on 08.06.2019 (18.06.2019 has wrongly been mentioned in the impugned order).
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the prosecutrix lived with the applicant for six months at Bhopal and, thereafter, for six months at Puna and the report has been lodged after one year. He also submits that the applicant is in custody since 08.06.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, the quality of evidence and further considering the fact that the applicant is in custody since 08.06.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Sd/-

(Rajani Dubey)
Judge