

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6018 of 2019**

- Manoj Thakur, S/o Pawan Thakur, Aged About 24 Years, R/o Village Demar, Police Station Patan, District Durg (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh, Through: The Station House Officer, Police Station Patan, District Durg (C.G.).

---- Respondent

For Applicant	: Mr. Jitendra Kumar Gupta, Adv.
For Respondent/State	: Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.11.2019**

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. 104/2019 registered at Police Station Patan, District Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4, 6 of the POCSO Act.
2. The prosecution story, in brief is that, on 04.06.2019 the applicant has abducted the prosecutrix on pretext of marriage and solemnized the marriage in Abhanpur, Chandi Temple and resided her in a rented house. From 04.06.2019 to 27.06.2019, applicant continuously made sexual relation with prosecutrix.
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 prosecutrix in her 164 statement stated that she is a consenting party and have a love affairs between them. The applicant is in jail since 28.06.2019, 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, and further considering the facts that the prosecutrix in her 164 statement has clearly stated that she is a consenting party and have a love affairs between them. The applicant is in jail since 28.06.2019 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**