

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6080 of 2019**

- Suraj Sahu S/o Virendra Kumar Sahu Aged About 21 Years, R/o Village Lingiyadih, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Sarkanda, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Meenu Banerjee, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19.11.2019**

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. 526/2019 registered at Police Station Sarkanda, District-Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 4, 6 of POCSO Act.
2. The prosecution story, in brief is that, a report lodged by mother of the prosecutrix that on 09.06.2019 the applicant took the prosecutrix from her lawful guardianship of her father and detained her at Delhi and during course of detention, committed sexual intercourse with her, on 09.08.2019 the prosecutrix has been recovered from the possession of the applicant. 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 09.08.2019, 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 09.08.2019 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**