

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6171 of 2019**

- Vijay Kumar Chouhan son of Ganesh Ram Chouhan, aged about 25 years, R/o village Gadhabhatha Chouka, in front of School, P.S. Bhatgaon, Tahsil Bilaigarh, District Balodabazar-Bhatapara (C.G.), at present village Bilaspur, P.S. Sarsinva, District Balodabazar-Bhatapara (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Sarsinva, District Balodabazar-Bhatapara (C.G.)

---- Respondent

For Applicant	:	Shri Raghavendra Pradhan, Advocate
For Respondent	:	Shri Anil Tripathi, P.L.
For Objector	:	Shri Anand Kesharwani, Advocate.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/12/2019**

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.104/2019, registered at Police Station – Sarsinva, District Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 4 & 9 of POCSO Act.
2. The prosecution story, in brief, is that father of the prosecutrix made a written report in police station Sarsinva alleging therein that on 19.03.2019 at morning, when he had gone to village Salhe, his son informed him over telephone that the applicant has taken the prosecutrix along with him on his motorcycle. He said that he had searched her daughter at own level but of no avail. Based on this, offence has been registered. The present applicant has been taken into

custody on 29.06.2019.

3. Learned counsel for the applicants submits that the applicant is innocent and has been falsely implicated in the case. He further submits the prosecutrix, in her statement recorded under Section 164 Cr.P.C, has not levelled any allegation against the applicant. It is next submitted that the applicant is in custody since 29.06.2019, charge sheet has been filed and there is no likelihood of her case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. The complainant is also present before this Court and said that the applicant may not be granted bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 29.06.2019, charge sheet has been filed 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.
8. Accordingly, the bail application is allowed.
9. 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge