

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6266 of 2019**

- Dileshwar Yadav S/o Parmanand Yadav Aged About 21 Years, R/o Village Samariya, Palari, Police Station Palari, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : S.H.O., Police Station Gidhpuri, District-Baloda Bazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ravindra Sharma, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26.11.2019**

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. 37/2019 registered at Police Station Gidhpuri, District-Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 (2) of the IPC and 17, 18, 4, 5 of the POCSO Act.
2. The prosecution story, in brief is that, on 23.03.2019 the father of the prosecutrix lodged the written complaint that on 20.03.2019 about 04-05 am. his daughter went to answer the call of nature but she did not return, the father of the prosecutrix made suspicion upon 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 on 20.09.2019 the prosecutrix and her mother are present before this Court along with counsel and they

have made statement that they have no objection in grant of bail to the applicant and the age of the prosecutrix is more than 17 years. The applicant is in jail since 22.08.2019, 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 on 20.09.2019, the prosecutrix and her mother are present before this Court along with counsel and they have made statement that they have no objection in grant of bail to the applicant. The present applicant is in jail since 22.08.2019 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**