

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6208 of 2019**

- Bhuvan Verma S/o Bhanu Pratap Verma Aged About 28 Years, R/o Village Bhendarwani, Police Station Saja, District Bemetara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Saja, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Vipin Singh, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/12/2019**

1. Pursuance to order dated 21.11.2019 of this Court, mother of the prosecutrix who is complainant Smt. Kumari Bai Sahu, instead of her mother, brother Kheturam is present before this Court along with the prosecutrix. On being asked, he has made his objection regarding grant of bail to the applicant.
2. His presence be marked.
3. 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. 290/2018 registered at Police Station - Saja, District-Bemetara (C.G.) for the offence punishable under Sections 376, 506 Part-2 of the IPC and 5(३), 6 of the POCSO Act.
4. The prosecution story, in brief is that, complainant lodged a

report that when the prosecutrix was coming from to answer the call of nature, the applicant stopped her and committed sexual intercourse with her. Thereafter, 2-3 days the applicant used to commit sexual intercourse with her on the pretext of marriage, due to which, she has become pregnant. Present applicant has been taken into custody on 29.10.2018.

5. 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 prima facie case is not made out against the present applicant. The applicant is in jail since 29.10.2018, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime to commit sexual intercourse with the prosecutrix so, it is not a fit case to release him on bail.
7. Brother of the prosecutrix present before this Court and made objection submitting that if the present applicant will be released on bail he will kill him as well as his family.
8. I have heard learned counsel for the parties and perused the case diary.
9. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
10. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**