

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6245 of 2019**

- Bhupendra Dheewar S/o Chowaram Dheewar Aged About 26 Years, R/o Vilalge Pahra, Police Station Nandini Nagar, Tehsil Dhamdha, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Police Station Nandini Nagar, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Aditi Singhvi, Adv.
For Respondent/State	:	Mr. Vinod Kumar Tekam, PL.

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

1. Pursuance to order dated 21.11.2019 of this Court, prosecutrix Minor D/o Dobhar Nishad is present along with her parents today. On being asked, she has not made her objection regarding grant of bail to the applicant.
2. Her 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. 27/2019 registered at Police Station - Nandini Nagar, District-Durg (C.G.) for the offence punishable under Sections 363, 376, 506 of the IPC and 5 (ब), 6 of POCSO Act.
4. The prosecution story, in brief is that the applicant forcibly committed sexual intercourse with the prosecutrix after kidnapping her from her residence. Based on this offence has been registered

against the present applicant.

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 prosecutrix has turned hostile before the trial Court. The applicant is in jail since 05.02.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. 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 has turned hostile and the present applicant is in jail since 05.02.2019 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.
9. 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**