

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6341 of 2019**

- Yogesh Kumar Bharti @ Sonu S/o Kusum Lal Bharti Aged About 20 Years, R/o Village Urga (Bus Stand) Post Office Urga, Tehsil And District Korba, Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant	:	Mr. Lalit Jangde, Adv.
For Respondent/State	:	Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****22.11.2019**

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. 84/2019 registered at Police Station Masturi, District-Bilaspur (C.G.) for the offence punishable under Sections 363, 354, 323, 506 of the IPC and 8 of POCSO Act.
2. The prosecution story, in brief is that, on 13.03.2019 at about 5:30 pm., prosecutrix and her sister were went to enjoy the fair at Malhar and at that time his cousin brother Monu and other relative Sonu came there with their friends and abducted the prosecutrix and went towards Urga Champa by their motor cycle and also assaulted the prosecutrix. Based on this offence has been registered against the present applicant and other co-accused.
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 other co-accused has already been

granted bail in MCRC No. 5362/2019. The applicant is in jail since 05.09.2019, 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 other co-accused has already been granted bail. The present applicant is in jail since 05.09.2019 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**