

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6360 of 2019**

- Deepak Bandhe S/o Shri Ramkumar Bandhe Aged About 28 Years, R/o Nevai Bhatha, Bramhapuri Ward No. 42, Police Station Nevai, District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Jamul, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. C. K. Sahu, Advocate.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28/11/2019**

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. 190/2019 registered at Police Station Jamul, District-Durg (C.G.) for the offence punishable under Sections 363, 366, 376, 34 of the IPC and 4, 6, 8, 17, 18 of POCSO Act.
2. The prosecution story, in brief is that on 04.04.2019 the complainant father of the prosecutrix lodged a report that the applicant has taken his daughter to the Dongargarh on the pretext of marriage and at the temple of Dongargarh he had married with the prosecutrix. Thereafter, she was taken at Yawatmal Nagpur at the house of his elder brother where he committed sexual intercourse with the prosecutrix therefore, she became pregnant of 2 and half months. 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 the age of the prosecutrix is above 16 years. The applicant is in jail since 25.06.2019, 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 age of the prosecutrix is above 16 years and the present applicant is in jail since 25.06.2019 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**