

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6355 of 2019**

- Pooja Besra W/o Anand Yadav Aged About 20 Years, R/o Khukri Police Station Ambikapur, District Surguja, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Out-Post-Ganesh Mod Police Station Balrampur, District-Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent**MCRC No. 6592 of 2019**

- Vijendra Jatav S/o Ram Prasad Aged About 20 Years, Resident Of Jauri, P.S. Pandorwar, District Dattya Madhya Pradesh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, P.S. (Police Chowki Ganesh Mond) Balrampur, District Balrampur - Ramanujganj, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Pushkar Sinha, Adv. in MCRC No. 6355/2019. Mr. Dashrath Kushwaha, Adv. in MCRC No. 6592/2019.
For Respondent/State	:	Ms. Reena Singh, PL.

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

1. On 26.11.2019 and 03.12.2019 notices were sent to the complainant/informant by this Court for his appearance before this Court on 16.12.2019.
2. Today, complainant/informant is not present before this Court

though, notices have been served.

3. As both MCRCs arise out of same crime number, they are being heard and disposed of by common order.
4. The accused/applicants have moved this first bail applications under Section 439 of Criminal Procedure Code for releasing them on regular bail during trial in connection with Crime No. 109/2019 registered at Police Station-Police Chowki Ganesh Mod, Balrampur, District-Balrampur-Ramanujganj (C.G.) against the applicant Pooja Besra for the offence punishable under Sections 363, 366 (क), 376 (2) (ब) of the IPC and 5 (ब)/ 6 of POCSO Act and against the applicant Vijendra Jatav for the offence punishable under Sections 363, 366, 376(2)(ब) of the IPC and 3, 4, 5, 6 of the POCSO Act.
5. The prosecution story, in brief is that on 17.05.2019 the applicant Pooja Besra has abducted the prosecutrix on pretext of marriage and at Jhansi on 18.05.2019 the applicant Vijendra Jatav came along with his friends and took the prosecutrix by motorcycle to his village Jouri and at the house of his aunt applicant committed sexual intercourse with the prosecutrix. Based on this offence has been registered against the present applicants.
6. Learned counsel for the applicants submits that the applicants are innocent and have been falsely implicated in the crime in question. He further submits that prosecutrix has turned hostile before the trial Court. The applicants are in jail since 03.06.2019, there is no likelihood of their case being decided in near future, therefore, the present applicants may be released on bail.
7. On the other hand, counsel for the State opposes the bail applications.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicants and further considering the facts that the prosecutrix has turned hostile and the present applicants are in jail since 03.06.2019 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 applicants on bail. Accordingly, the applications are allowed.

10. Accused/applicants are directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- each, with one local surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court.

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