

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6643 of 2019**

- Manmohan Gendre S/o Ferha Ram, aged about 21 years, R/o village Batgaon, P.S. Ghumka, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Police Station Khairagarh, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Shri S.S. Baghel, Adv.
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****03/12/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.88/2019, registered at Police Station – Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 3 & 4 of the POCSO Act, 2012.
2. The prosecution story, in brief, is that father of the prosecutrix made a written report in police station alleging therein that on 12.08.2019 his daughter had gone to school but did not come back. The complainant searched his daughter at own level but of no avail. Thereafter, the offence was registered against unknown person. During investigation, it was revealed that the applicant abducted her daughter on the pretext of marriage, committed forcible sexual intercourse with her and the prosecutrix recovered from his possession. Based on this, offence has been

registered. The present applicant has been taken into custody on 24.04.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is major and she is consenting party to the act of the applicant. He also submits that in 164 Cr.P.C. statement, the prosecutrix has not levelled any allegation against the applicant. He also submits that the applicant is in custody since 24.04.2019 and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 24.04.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge