

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6774 of 2019**

- Dileshwar Banjare S/o Bansilal Banjare, aged about 19 years, R/o village - Madhubankhurd, Police Station - Sarsiwa, Tahsil - Bilaigarh, District (Revenue & Civil) - Balodabazar-Bhatapara (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station - Bhatgaon, District (Revenue & Civil) - Balodabazar - Bhatapara (C.G.)

---- Respondent

For Applicant	:	Shri Anand Kesharwani, Adv.
For Respondent	:	Shri V.K. Agrawal, P.L.

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

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.59/2019, registered at Police Station - Bhatgaon, District (Revenue & Civil) - Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 342, 376 IPC and 4 of POCSO Act.
2. The prosecution story, in brief, is that the father of prosecutrix made a written complaint in police station alleging therein that his daughter aged 17 years is missing from her aunt's house. On being investigated, the prosecutrix was recovered from the possession of the applicant and stated that the applicant after seducing committed sexual intercourse with her. Based on this, offence has been registered. The present applicant has been taken

into custody on 25.08.2019.

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, according to her 164 Cr.P.C. statement, she appears to be a consenting party to the act of the applicant. He also submits that the applicant is in custody since 25.08.2019 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 opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
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 25.08.2019, 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