

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6769 of 2019**

- Dagesh Chakradhari, S/o Shri Lalit Chakradhari, Aged About 19 Years, R/o Village Khallari, Police Station - Khallari, Tahsil Bagbahara, District - Mahasamund (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Khallari, Tahsil Bagbahara, District Mahasamund (C.G.).

---- Respondent

For Applicant	: Shri Mayank Chandrakar, Adv.
For Respondent/State	: Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10.12.2019**

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. 156/2019 registered at Police Station Khallari, District Raipur (C.G.) for the offence punishable under Sections 366 & 376 of I.P.C. and under Section 6 of POCSO Act.
2. The prosecution story, in brief is that, on 15.08.2019, parents of the prosecutrix/ victim has lodged missing complaint and during investigation, prosecutrix was recovered on 04.09.2019. That on enquiry, the prosecutrix narrated the facts that, on pretext of marriage, the present applicant has committed sexual assault with her. Thereafter, 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 charge-sheet has been filed and the age of the prosecutrix is more than 16 years. The applicant is in jail

since 04.09.2019, 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, and further considering the facts that the age of the prosecutrix is more than 16 years. The applicant is in jail since 04.09.2019 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