

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6912 of 2019**

- Amit Swarnkar, S/o Shri Anil Kumar Swarnkar, Aged About 45 Years, R/o Collectorate Road, Ambikapur, District Surguja. At present - Ashok Ratna A/203, Khamhardih, Police Station Mova, Raipur, Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, Police Station Vidhan Sabha Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajeev Shrivastava, Adv.
For Respondent/State	: Mr. B. L. Sahu, P.L.
For Objector	: Mr. Jitendra Shrivastava, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19.12.2019**

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. 212/2019 registered at Police Station Vidhan Sabha Raipur (C.G.) for the offence punishable under Section 376 (1) of I.P.C. & Section 6 of POCSO Act, 2012.
2. The prosecution story, in brief is that, on 1.5.2019 & 2.5.2019, the applicant had forcibly made sexual intercourse with girl of less than 18 years old at the residential house of co-accused Vriddhi Manwani, which is situated at Mova, Police Sation Pandri and thus committed an offence of rape. 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 prosecutrix has not supported the prosecution case before trial Court against the accused and turned

hostile. The applicant is in jail since 15.05.2019, 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 prosecutrix has not supported the prosecution case before trial Court against the accused and turned hostile. The applicant is in jail since 15.05.2019 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**