

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6930 of 2019**

- Jay Singh Banjara S/o Gopi Ram Banjara Aged About 25 Years, R/o Village Bijapara Ludeg, P.S. - Pathalgaon, Tahsil- Pathalgaon, District - Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Officer In-charge P.S. Lailunga District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ashutosh Mishra, Adv.
For Respondent/State	:	Ms. Akshra Amit, PL.

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

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. 218/2017 registered at Police Station-Lailunga, District-Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 4, 6 of POCSO Act.
2. The prosecution story, in brief is that on 13.08.2017 complainant Sukhsay Lakra lodged a report that on 25.04.2017 someone took his daughter away and committed sexual intercourse with her. After investigation prosecutrix recovered from the possession of the applicant. Based on this, 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 charge-sheet has been filed and the age of

the prosecutrix was about 18 years at the time of incident. The applicant is in jail since 21.05.2018, 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, detention period of applicant and further considering the facts that the age of the prosecutrix was about 18 years at the time of incident. The present applicant is in jail since 21.05.2018 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**