

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6917 of 2019**

- Ajay Sarthi, S/o Rupsingh Sarthi, Aged About 28 Years, R/o Odar, Police Station - Patewa, District - Mahasamund (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station - Arang, District Raipur (C.G.).

---- Respondent

For Applicant	: Mr. C. R. Sahu, Adv.
For Respondent/State	: Ms. Akshara Amit, P.L.

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. 464/2019 registered at Police Station Arang, District - Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of I.P.C. & Sections 4, 6 of POCSO Act, 2012.
2. The prosecution story, in brief is that, the brother of the prosecutrix lodged a missing report. During course of investigation, the prosecutrix was recovered from the possession of the applicant. After recovery of prosecutrix, her statement was recorded, in which, she stated that the applicant took her on the pretext of marriage and filled up vermilion on her head in front of the temple and since they used to live in the rental house at several places and during this period, the applicant committed sexual intercourse 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 charge-sheet has been filed. The applicant is in jail since 22.09.2019, 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 charge-sheet has been filed and the age of the prosecutrix is above 17 years. The applicant is in jail since 22.09.2019 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**