

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 13 of 2020**

Jageshwar, S/o. Punit Dhruv, aged about 20 years, R/o. Village – Bramhanpara,
Tumgaon, Thana – Tumgaon, Distt.- Mahasamund (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through – Police Station – Tumgaon, Distt. - Mahasamund
(C.G.)

----Non-applicant

For Applicant : Mr. Samir Singh, Advocate.
For Non-applicant/State : Mr. B.L Sahu, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****11/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 206/2019 registered at police Station Tumgaon, Distt. Mahasamund for the offence punishable under Sections 363, 366, 376(2)(n) of the Indian Penal Code and Sections 4 & 6 of the POCSO Act, 2012.

(2) Case of the prosecution, in brief, is that present applicant abducted the prosecutrix, aged about more than 17 years, and committed sexual intercourse with her against her will and thereby committed the aforesaid offence.

(3) Learned counsel appearing for the applicant would submit that prosecutrix is a major girl and she is consenting party to the act of the applicant. He further submits that the applicant is in detention since 26.11.2019; charge sheet has already been filed and as the

trial is likely to take some time for its final disposal and no custodial interrogation is required, therefore, the applicant is entitled to be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case; particularly the facts that applicant is in detention since 26.11.2019; charge sheet has already been filed and the trial is likely to take some time for its final disposal and no custodial interrogation is required; 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 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

D/-

