

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 43 of 2020**

- Anil Kaushal, S/o Late Kriparam Kaushal, Aged About 22 Years, R/o Village- Kandai Hadahuli, Thana- Bemetara, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

- The State of Chhattisgarh, Through- Police Station- Saja, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Samir Singh, Adv.
For Respondent/State	: Mr. B. L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.02.2020**

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. 294/2019 registered at Police Station- Saja, District- Bemetara, (C.G.) for the offence punishable under Sections 363, 366, 376 of I.P.C. & U/s 3, 4, 5, 6 of the POCSO Act, 2012.
2. The prosecution story, in brief is that, on 06.09.2019, the mother of the prosecutrix lodged a missing report of her daughter against the unknown person. On investigation, prosecutrix has been recovered from the possession of the present applicant. Thereafter, offence has been registered against the present applicant and he has been arrested.
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 already been filed and the age of the prosecutrix is above 17 years. The applicant is in jail since 12.11.2019, 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 above 17 years. The applicant is in jail since 12.11.2019 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**