

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 255 of 2020**

- Dhaneshwar Ram @ Sanjay Choudhary, S/o Anuk Ram, Aged About 23 Years, R/o Sakin Sukhri, District- Surguja, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Mahila Police Station, Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

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

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.02.2020**

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. 51/2019 registered at Police Station- Mahila Police Station, Ambikapur, District- Surguja, (C.G.) for the offence punishable under Sections 376 (2) (ढ), 366 ँ/34 of IPC and Sections 5 ँ/6 & 17 of POCSO Act, 2012.
2. The prosecution story, in brief is that, it has been alleged that on 02.09.2019 at about 8:00 PM, on the pretext of marriage, the present applicant called her and committed forcible sexual intercourse with her and 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 the charge-sheet has already been filed and there was love affair between prosecutrix and the applicant and the age of the prosecutrix is above 16 years. The applicant is in jail

since 27.09.2019, 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 the age of the prosecutrix is above 16 years. The applicant is in jail since 27.09.2019 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**