

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 78 of 2020**

- Ahmad Ali S/o Shri Islam Ali Aged About 29 Years R/o Village Lakhanpuri, Police Station Charama, District North Baster Kanker, Chhattisgarh.

**---- Applicant****Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Charama, District North Baster Kanker, Chhattisgarh.

**---- Respondent**


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| For Applicant        | : | Mr. Sunil Sahu, Adv.       |
| For Respondent/State | : | Mr. Vinod Kumar Tekam, PL. |

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**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. 197/2019 registered at Police Station-Charama, District - North Baster Kanker (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 3, 4 of the POCSO Act.
2. The prosecution story, in brief is that, the complainant father of the prosecutrix lodged a report that on 07.11.2019 his daughter went school, but, she did not return and on 14.11.2019 the prosecutrix recovered from the possession of the present applicant. Prosecutrix statement is recorded in which she stated that applicant took her to Maharashtra and on pretext of marriage the applicant committed sexual intercourse with her. 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 the age of the prosecutrix is above 17 years and the applicant is in jail since 18.11.2019, 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, detention period of applicant and further considering the facts that the applicant is in jail since 18.11.2019 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**