

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 49 of 2020**

- Dilharan Satnami S/o Shri Bhola @ Darun Satnami Aged About 22 Years R/o Village Indalpur Police Station Lalpur, District Mungeli, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through SHO Lalpur, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant. : Mr. Dheerendra Pandey, Advocate.
 For Respondent/State : Ms. Akshara Amit, PL

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 the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 70/2018 registered at Police Station - Lalpur, District Mungeli (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the POCSO Act.
2. The prosecution story in nutshell is that the complainant has lodged a written report before the concerned police station alleging therein that the applicant has abducted his minor sister/prosecutrix. Based on that, after investigation, offence has been registered against the 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 case. He

further submits that prosecutrix is a major girl aged about 17 years and prosecutrix herself stated before the Trial Court that she herself went with the applicant and also filed an affidavit regarding the same. He also submits that applicant is in jail since 03.12.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel 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, age of the prosecutrix and further considering the fact that the prosecutrix herself filed no objection affidavit before the trial Court, as the applicant is in jail since 03.12.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu