

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 72 of 2020**

- Tikesh Gaharwal S/o Kamta Prasad Gaharwal Aged About 21 Years R/o Sirpur, Police Station Tumgaon, District Mahasamund, Chhattisgarh.

----Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station Tumgaon, (Chowki Sirpur) District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Gurudev I. Sharan, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.
For Objector	:	Mr. Govind Dewangan, Adv.

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. 223/2019 registered at Police Station-Tumgaon (Chowki Sirpur), District - Mahasamund (C.G.) for the offence punishable under Sections 363, 376(2) & of the IPC and 4 & 6 of POCSO Act.
2. The prosecution story, in brief is that, complainant Narayan Ratre filed a written complaint that on 13.12.2019 the present applicant took the complainant's daughter on pretext of marriage and committed sexual intercourse with the prosecutrix. Based on this, offence has been registered against the present.
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 applicant is in jail since 16.12.2019, 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. Learned counsel for objector not opposes the bail application. Prosecutrix is present today before this Court along with her father and her learned counsel and on being asked regarding grant of bail to the applicant they have not made their objection.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 16.12.2019 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.
8. 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**