

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 48 of 2020**

- Gangadhar Markam S/o Visesar Markam Aged About 19 Years R/o Mathpara Ward No. 20, Kailash Nagar, Birgaon, Police Station Khamtarai, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Urla, District Raipur, Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Sunita Sahu, 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. 525/2019 registered at Police Station - Urla, District Raipur (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 4 & 6 of POCSO Act.
2. The allegation against the present applicant, as per the written reported made by complainant, the present applicant abducted the prosecutrix and committed sexual intercourse with her against her will. Based on that, 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. She further submits that prosecutrix is 16 years of age, there was

love affair between the prosecutrix and applicant and she herself has not supported the prosecution case before the trial Court. She also submits that applicant is in jail since 18.11.2019 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 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 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