

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 90 of 2020**

- Harish @ Bhupati S/o Sundar Lal Tandi Aged About 19 Years R/o Sinapali, Mohgaon, Police Station Sinapali, District Nuapada Orisa. At Present Residing At House No. 55, Of Pintu Dewangan, K.K. Ward No. 7, Bhatapara, District Balodabazar, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station House Officer, Police Station Pulgaon, District Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Prakash Ku. Mishra, Adv.
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 Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 381/2019 registered at Police Station-Pulgaon, District -Durg (C.G.) for the offence punishable under Sections 363, 366, 376 (N)(H) of the IPC and 6 of POCSO Act.
2. The prosecution story, in brief is that, the complainant lodged a report that her daughter on 28.07.2019 at about 2:30 noon left her house saying that she has to go to Raipur along with her mistress. When by evening she did not return, complainant asked her younger daughter to call on the mistress of the prosecutrix on which mistress was replied that, the prosecutrix on that day had not come on job. The complainant told this thing to her husband and they tried to

know where the prosecutrix is. During investigation on 05.08.2019 the prosecutrix was recovered from the possession of the accused. The prosecutrix was interrogated by the police on which the prosecutrix told that the present applicant took the prosecutrix on pretext of marriage and committed sexual intercourse against her will. Based on this, offence has been registered against the present applicant and other co-accused persons.

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 05.08.2019, 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 05.08.2019 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