

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 625 of 2020**

- Roshan Jangde age 20 years S/o Ramesh Jangde, R/o Block No.33, Kachna Housing Board Colony, Thana Vidhansabha, Tah. & District Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Thana Incharge, Telibandha, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Sudeep Johri, Advocate
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****13/03/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.239/2019 registered at Police Station – Telibandha, Raipur, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 4 & 6 of POCSO Act.
2. The prosecution story, in brief, is that on the basis of missing report made by mother of the prosecutrix, FIR was registered against unknown person under Section 363 of IPC. After recovery of prosecutrix, Sections 366, 376 IPC and Section 4 & 6 of POCSO were also added. During investigation, statement of the prosecutrix was taken. Based on this, offence has been registered. The present applicant has been taken into custody on 05.11.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that on 28.04.2019 missing report was

lodged by mother of the prosecutrix and on 05.11.2019 she herself brought the prosecutrix to police station. He also submits that the age of the prosecutrix is 17 years, 5 months and 18 days, and in 164 statement of the prosecutrix, she has stated that she accompanied the applicant of her own. He also submits that the applicant is in custody since 05.11.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 05.11.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge