

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 166 of 2020**

- Lalaram Kosley S/o Agar Das Kosley, Aged About 23 Years R/o Village Kusmi, Police Station Bemetara, District Bemetara Chhattisgarh.

---- Applicant

Versus

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

---- Respondent

For Applicant. : Mr. Shivendu Pandya, Advocate.
For Respondent/State : Mr. Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.03.2020**

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. 416/2019 registered at Police Station – Khamtarai, District Raipur (C.G.) for the offence punishable under Sections 363, 366(A) & 376 of IPC and Sections 4 & 6 of POCSO Act.
2. As per the prosecution case, the allegation against the present applicant is that, on the pretext of marriage the applicant committed sexual intercourse with her. 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. Referring to the Annexure A/2 and Annexure A/3 learned

counsel for the applicant would submit that the prosecutrix and her mother filed an affidavit in which they admitted that the prosecutrix herself went to the applicant and solemnized marriage. Applicant is in jail since 15.12.2019 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, detention period of the applicant, age of the prosecutrix and further considering the affidavit filed by the prosecutrix and her mother, as 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