

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 344 of 2020**

- Sanjay Naik S/o Ganguram Naik, aged about 24 years, R/o Badgaon, Umarvahi, Police Station Dongargaon, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Dongargaon, District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Shri Aditya Bhardwaj, Advocate
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****28/02/2020**

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.216/2019 registered at Police Station - Dongargaon, District Rajnandgaon (C.G.) (wrongly mentioned as P.S. Kotwali, Rajnandgaon in order sheet) for the offence punishable under Sections 363, 344, 366, 376 IPC and Section 4 of POCSO Act.
2. The prosecution story, in brief, is that on 19.10.2019 at 4.00 pm, the prosecutrix, who is minor, without informing her family members had gone out and did not come back. The family members of the prosecutrix searched her at own level but of no avail. Thereafter, the father of the prosecutrix, on suspicion, made a report at police station Dongargaon against the applicant. During investigation, the prosecutrix recovered from the possession of the applicant and the statement of the prosecutrix was recorded. Based on this,

offence has been registered. The present applicant has been taken into custody on 02.11.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the age of the prosecutrix is 17 year, 2 months and 13 days & in her 161 CrPC statement, has stated that she accompanied the applicant of her own. He also submits that the applicant is in custody since 02.11.2019, 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 02.11.2019, 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