

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 346 of 2020**

- Amar Sukhdan S/o. Jitendra Muliya Aged About 19 Years Residing At Village Q.No. 274/10 Bapunagar Torwa Police Station Torwa Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station- Sirgitti, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. P.K. Tulsyan, Advocate.
For Respondent/State	:	Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.03.2020**

1. Pursuant to the order dated 27.02.2020, complainant along with prosecutrix is present today before this Court. On being asked he made no objection regarding the grant of bail.
2. 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. 395/2019 registered at Police Station - Sirgitti, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376/34 of IPC and Sections 5(ठ) & 6 of POCSO Act.
3. As per the prosecution case, the complainant lodged a report before the concerned police station alleging the co-accused Vijay Kumar Ahirwar has committed sexual intercourse with the prosecutrix on the pretext of marriage. Based on that, after investigation, main accused as well as present accused has been arrested and offence has been registered. The allegation against the present applicant is that the main

accused and the present applicants are friends and the crime has been committed in the house of present applicant.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that co-accused of this case namely Suraj Gadewal @ Chhotu, has already been granted bail by this Court on 06.02.2020 in MCRC No. 55/2020. He further added that the main allegation is against Vijay Kumar Ahirwar and the applicant is in jail since 14.11.2019 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.
5. Per contra, State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, particularly the fact that the complainant made no objection regarding the bail of the applicant, as applicant is in jail since 14.11.2019 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.
8. 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