

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 351 of 2020**

- Khem Lal Sahu S/o Leeladhar Sahu Aged About 19 Years R/o Mangla, Bilha, District Bilaspur, Chhattisgarh, At Present R/o Shivpuri, House Of Jamuna Baldau Sahu, District : Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - The District Magistrate, Durg, District - Durg, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Jitendra Gupta, Adv.
For Respondent/State	:	Ms. Akshra Amit, PL.
For Objector	:	Ms. Swati Verma, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****26/02/2020**

1. Prosecutrix and her mother/complainant along with her counsel are present today before this Court. On being asked, they made no objection regarding grant of bail to the applicant.
2. Their presence be marked.
3. 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. 658/2019 registered at Police Station-Jamul, District-Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 4 of POCSO Act.
4. The allegation is against the applicant is that on 28.11.2019 at about 15.30 O'clock the applicant seduced the prosecutrix and took away with him to Bilaspur and Allahabad and got marriage with the

prosecutrix in a temple and committed sexual intercourse with the prosecutrix. Based on this offence has been registered against the present applicant.

5. 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 prosecutrix and her mother/complainant have filed no objection affidavit before the trial Court and furthermore prosecutrix in her 164 Cr.P.C. statement, stated nothing against the present applicant. The applicant is in jail since 19.12.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. 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 prosecutrix in her 164 Cr.P.C. statement, stated nothing against the present applicant and the present applicant is in jail since 19.12.2019 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.
9. 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**

