

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 440 of 2020**

- Somaru Baghel S/o Shri Maniram Baghel Aged About 22 Years R/o Maawali Guda, Sarpanch Para, Police Station - Parpa, District - Bastar Chhattisgarh.

---- Applicant

**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Station - Parpa, District - Bastar, Jagdalpur Chhattisgarh.

---- Respondent

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| For Applicant.       | : | Mr. Ishan Verma, Advocate. |
| For Respondent/State | : | Mr. Akhtar Hussain, PL     |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****06.03.2020**

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. 204/2019 registered at Police Station - Parpa, District Bastar (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 6 of POCSO Act.
2. The allegation against the applicant, as per the prosecution case, is that, he abducted the prosecutrix and committed sexual intercourse with her on the pretext of marriage. Based on that, after investigation, offence has been registered 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. He further submits that the prosecutrix is above 16 years of age and she was also consenting party. He next added that the

applicant is in jail since 02.11.2019 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.

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, 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