

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 275 of 2020**

- Kaushal Dinkar S/o Hemlal Dinkar, aged about 27 years, R/o Chandipara, Pamgarh, P.S. & Tahsil-Pamgarh, District-Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through - S.H.O., P.S. Pamgarh, District-Janjgir-Champa, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ravindra Shamra, Adv.
For Respondent/State	:	Ms. Akshra Amit, PL.

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

1. Pursuant to order dated 07.02.2020 informant/complainant Jagbandhu Lahre S/o Manmohan Lahre father of the prosecutrix is present today before this Court. On being asked, he made no objection regarding grant of bail to the applicant.
2. His 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. 489/2019 registered at Police Station-Pamgarh, District-Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 4, 6 of POCSO Act.
4. The prosecution story, in brief is that, on 06.11.2019 the complainant lodged a report that on 01.11.2019 the complainant and the prosecutrix went to the petrol pump and the complainant

left the prosecutrix near Pamgarh Bus Stand and when he returned from the petrol pump the prosecutrix was missed. The complainant enquired about the prosecutrix but he could not search the prosecutrix. It is alleged that the applicant seduced the prosecutrix and took her on pretext of marriage. 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 has not supported the prosecution case before the trial Court. He next submits that the applicant is in jail since 07.11.2019, 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 the prosecutrix has not supported the prosecution case before the trial Court and the present applicant is in jail since 07.11.2019 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.
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**