

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 323 of 2020**

- Takendra @ Tinku Verma S/o Sudan Verma Aged About 23 Years R/o Village - Kesla, Police Station Khairagarh, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Khairagarh, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Abhishek Sharma, Advocate.
For Respondent/State	:	Ms. Reena Singh, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****27.02.2020**

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. 421/2019 registered at Police Station - Khairagarh, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 3 & 4 of POCSO Act.
2. As per the prosecution case, the allegation against the present applicant is that he called the prosecutrix over phone while she was going for nature call and on the pretext of marriage committed sexual intercourse with her. Based on that, offence has been registered against the applicant 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

next submits that prosecutrix is above 16 years of age and in her 161 Cr.P.C. statement, she herself admits that they have been in relationship for the last two years. Applicant is in jail since 07.11.2019 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, age of the prosecutrix and further considering that the 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.
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