

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 613 of 2020**

- Bheemsen Mishra S/o Brijbhusan Mishra Aged About 19 Years R/o Chorbhatthi, Police Station Jaithari, District - Anuppur (M. P.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gaurela District - Raipur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Avinash Chand Sahu, Advocate.
For Respondent/State	:	Mr. Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.02.2020**

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. 359/2019 registered at Police Station - Gourela, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 4 & 6 of POCSO Act.
2. The prosecution story in brief is that on 30.11.2019, a missing report of prosecutrix was lodged by the complainant/father of the prosecutrix. After investigation, the prosecutrix was recovered from the possession of applicant. The allegation against the present applicant is that he abducted the prosecutrix, solemnized marriage with her and established illegal sexual relationship with the prosecutrix. 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 she was a consenting party. Applicant is in jail since 03.12.2019 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 03.12.2019 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.
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