

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 407 of 2020**

- Ishaq Ali S/o Rashid Khan Aged About 19 Years R/o Village Nonbirra, Police Station Pali, Present Address Shanti Nagar, Dipka, Near Railway Crossing, Police Station Dipka, District Korba, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Ajak, Korba District Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dharmesh Srivastava, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13/03/2020**

1. Prior a notice was issued to the complainant/informant for his appearance before this Court, prosecutrix along with his father Mangal Singh is present today. On being asked, they have not made their 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. 16/2019 registered at Police Station-Ajak, District-Korba (C.G.) for the offence punishable under Sections 376, 506, 417 of the IPC, 4, 6 of POCSO Act and 3 (2)(V) of SC & ST (Prevention of Atrocities) Act.
4. The prosecution story, in brief is that the complainant lodged a written report that the present applicant used to ride his motorcycle here and there since last 6 months. It is alleged

that the present applicant took the prosecutrix and on pretext of marriage applicant 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 in her 164 statement nothing stated incriminating against the applicant. He next submits that the applicant is in jail since 25.06.2019, 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 trial Court. The present applicant is in jail since 25.06.2019 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**