

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 641 of 2020**

- Jitendra Nishad S/o Jageshwar Nishad, aged about 19 years, R/o Bhanpuri, P.S. Anda, District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Arjunda, District Balod (C.G.)

---- Respondent

For Applicant	:	Shri Prasoon Agrawal, Advocate
For Respondent	:	Shri Wasim Miyan, P.L.

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

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.170/2019 registered at Police Station – Arjunda, District Balod (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 4, 5 (I) & 6 of POCSO Act.
2. The prosecution story, in brief, is that the applicant, after alluring the prosecutrix who is minor, took her along with him and committed sexual intercourse with her. During investigation, the prosecutrix recovered from the house of the applicant. Based on this, offence has been registered. The present applicant has been taken into custody on 31.10.2019.
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 age of the prosecutrix is more than 17 years, there was love affair between them and she is

consenting party to the act of the applicant. He also submits that the applicant is in custody since 31.10.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 31.10.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed, till final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge