

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 626 of 2020**

- Mahendra Sahu S/o Kartikram Sahu, aged about 22 years, R/o village Gathula, P.S. - Chikhli, District Rajnandgaon (C.G.)

**---- Applicant****Versus**

- State of Chhattisgarh Through : P.S. Bori, District Durg (C.G.)

**---- Respondent**


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| For Applicant  | : | Shri P.R. Patankar, Advocate |
| For Respondent | : | Shri V.K. Agrawal, P.L.      |

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**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.39/2019 registered at Police Station - Bori, District Durg (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 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 to Nagpur and committed sexual intercourse with her many times as a result of which she became pregnant and they also got married. Based on this, offence has been registered. The present applicant has been taken into custody on 05.11.2019.
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 16 years, 5 months and 20 days & in her statement recorded under Section 164 CrPC, she has categorically stated that she accompanied the applicant of her own and she is consenting

party to the act of the applicant. He also submits that the applicant is in custody since 05.11.2019, 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 05.11.2019, 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