

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 708 of 2020**

- Himalaya Alias Chotu S/o Anandram Kosariya Aged About 22 Years R/o Ward No. 27, Indira Nagar, Rajhara, Police Station Rajhara, District - Balod, Chhattisgarh, District : Balod, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through The Police Station Khadgaon, District - Rajnandgaon, Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	:	Shri S.S. Baghel, Advocate
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****16/03/2020**

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.23/2019 registered at Police Station - Khadgaon, District Rajnandgaon (C.G.) for the offence punishable under Sections 366, 376, 450 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. Based on this, offence has been registered. The present applicant has been taken into custody on 06.05.2019.
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 16 years and in her Court statement she has not supported the prosecution case and turned hostile. He also submits

that the applicant is in custody since 06.05.2019, 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 06.05.2019, 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