

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1121 of 2020**

- Azad Koshale S/o Dukhram Koshale Aged About 18 Years Residing At Village Imalibhata Police Station Sarkanda Bilaspur Tahsil And District Bilaspur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. P.K. Tulsyan, Advocate.
For Respondent/State	:	Mr. Sameer Sharma, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****01.06.2020**

1. The applicant has filed this first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail in connection with Crime No. 1163/2019 registered at Police Station : Sarkanda, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376, 417 of the IPC and Sections 4 & 6 of the POCSO Act.
2. The prosecution story in brief is that, complainant/father of the prosecutrix filed a missing report of prosecutrix before the concerned police station. After investigation, the prosecutrix was recovered from the possession of applicant. The allegation against the applicant is that, the applicant had abducted the prosecutrix and committed sexual intercourse with her on the pretext of marriage. Based on that, after

investigation, offence has been registered and he has been arrested.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question because he was not involved in any such incident. He next submits that there is long delay in lodging the FIR, which shows that it is a concocted story cooked by the prosecutrix against the present applicant. He also added that, the applicant is in jail since 29.12.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this Hon'ble Court, therefore, he may be released on bail.
4. On the other hand, State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and age of the prosecutrix, as applicant is in jail since 29.12.2019 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 local 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.
8. It is made clear that if the applicant has already been

released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23.03.2020 in the matter of **in Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

9. Certified copy, as per rule.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu