

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1144 of 2020**

- Dhaneshwar Sahu S/o Ganeshu Sahu Aged About 24 Years R/o Village And Post Karhul, Police Station And Tahsil Simga, District Balodabazar, Chhattisgarh.

---- Applicant**Versus**

1. State Of Chhattisgarh, Through : Station House Officer, Police Of Police Station Navagarh, District Bemetara, Chhattisgarh.
2. Ishwari S/o Manharan Sahu Aged About 20 Years R/o Village Atargavan, Police Station And Tahsil Navagarh, District Bemetara, Chhattisgarh.
3. Manharan S/o Bhagi Sahu Aged About 42 Years R/o Village Atargavan, Police Station And Tahsil Navagarh, District Bemetara, Chhattisgarh.

---- Respondents

For Applicant	:	Mr. Sanjeev Kumar Sahu, Adv.
For Respondents/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/03/2020**

1. Pursuant to order dated 12.02.2020 of this Court, complainant/informant father of the prosecutrix namely Manharan S/o Bhagi Sahu is present today. On being asked, he has not made his objection regarding grant of bail to the applicant.
2. His 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. 303/2018 registered at Police Station-Navgarh, District-Bemetara (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 6, 12 of POCSO Act.

4. The prosecution story, in brief is that the complainant lodged a report that on 18.12.2018 unknown person allured his daughter and abducted her, after investigation the prosecutrix was recovered from the possession of the applicant. During inquiry prosecutrix stated that the applicant abducted her and committed sexual intercourse with her. 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 applicant is in jail since 25.01.2020, 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 present applicant is in jail since 25.01.2020 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