

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1292 of 2020**

- Vikas Madhuar @ Rawan @ Bhim, S/o Ramseva Madhukar, Aged About 19 Years, R/o Shukrawari Bazar, Birgaon, Infront of Shiv Mandir, Police Station- Urla, District- Raipur, Chhattisgarh.

----Applicant

Versus

- State of Chhattisgarh, Through: The Station House Officer, Police Station- Urla, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Yogesh Chandra, Adv.
For Respondent/State	: Mr. Sameer Sharma, Dy. G. A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****18.03.2020**

1. Heard.
2. Admit.
3. A notice has been issued vide order dated 18.02.2020 to the informant/complainant to appear before this Court but no one appeared on the date of hearing.
4. 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. 385/2019 registered at Police Station- Urla, District- Raipur, (C.G.) for the offence punishable under Sections 363, 366, 376 (3) of I.P.C. and Sections 4, 6 of POCSO Act, 2012.
5. The prosecution story, in brief is that, it has been alleged that on the pretext of marriage, the present applicant committed sexual intercourse with the prosecutrix from 20.08.2019 to 30.08.2019. Thereafter, offence has been registered against the present applicant. Applicant has been taken into custody since 31.08.2019.

6. 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 prosecutrix has not supported the prosecution case before the trial Court and turned hostile. The applicant is in jail since 31.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
7. On the other hand, counsel for the State opposes the bail application.
8. I have heard learned counsel for the parties and perused the case diary.
9. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the prosecutrix has not supported the prosecution case before the trial Court and turned hostile. The applicant is in jail since 31.08.2019 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.
10. 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**