NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5783 of 2019

- Jitendra Uike @ Satya, S/o Shri Ashok Rao, Aged About 19 Years, R/o Village Nelchang, Police Station -Kodekurse, District- Kanker Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station House Officer, Police Station- Anda, District- Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. Ishan Verma, Adv.
For Respondent/State : Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

27.01.2020

1. 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. 107/2018 registered at Police Station- Anda, District- Durg, (C.G.) for the offence punishable under Sections 363, 366 & 376 of I.P.C. and Sections 4 & 6 of the POCSO Act.
2. The prosecution story, in brief is that, a written complaint has been made by the father of the victim alleging that on 24.11.2018, on the pretext of marriage the applicant took her daughter and committed sexual intercourse with her. Thereafter, offence has been registered against the present applicant.
3. 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 age of the prosecutrix is above 16 years and the applicant is in jail since 15.01.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering detention period of the applicant and the facts that the age of the prosecutrix is above 16 years the applicant is in jail since 15.01.2019 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 trial Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ruchi