NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5702 of 2019

- Marshal Lahare @ Sameer, S/o Tasa Ram Lahare, aged about 21 years, R/o Dande Mohalla, Gogaon, P.S. Gudiyari, District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Police Station Khamtarai, District Raipur (C.G.)

---- Respondent

For Applicant	:	Shri Rahil Kochar, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.
For Objector	:	Shri C.R. Sahu, Advocate

Hon'ble Smt Justice Rajani Dubey

Order on Board

16/01/2020

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.121/2019, registered at Police Station – Khamtarai, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376(3), 376 (2)(n) IPC and Section 6 of POCSO Act, 2012.

2. The prosecution story, in brief, is that on 10.03.2019, the applicant called the prosecutrix outside her house and at about 3.00 pm, he took her on his vehicle Activa and committed sexual intercourse with her for 2-3 days on the pretext of marriage. Based on this, offence has been registered. The present applicant has been taken into custody on 14.03.2019.

3. Learned counsel for the applicants submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that there was love affair between the prosecutrix and the present applicant and the prosecutrix accompanied the applicant of her own. He also submits that the prosecutrix has performed marriage with the applicant. He further added that the applicant is in custody since 14.03.2019 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. Learned counsel submits that the prosecutrix is minor.

5. On 06.11.2019, notice to complainant Shri Lakhan Maheshwar was issued in view of Section 439(1)(A) of CrPC, but he is not present today.

6. I have heard learned counsel for the parties and perused the case diary.

7. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the applicant is in custody since 14.03.2019 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.

8. Accordingly, the bail application is allowed.

9. 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Pekde