

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6009 of 2019**

- Karan @ Kushpal Chandrakar, S/o Rajkumar Chandrakar, Aged About 23 Years, Caste Kurmi, R/o Village Pauni Police Station- Pandariya, District- Kabirdham Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station- Pandatarai, District- Kabirdham Chhattisgarh.

---- Respondent

For Applicant	: Mr. Suresh Verma, Adv.
For Respondent/State	: Mr. B. L. Sahu, P.L.
For Objector	: Mr. Dharmesh Shrivastava, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.01.2020**

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. 119/2019 registered at Police Station- Pandatarai, District - Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (K) (N) of I.P.C. and under Sections 4, 6 of POCSO Act, 2012.
2. The prosecution story, in brief is that, on 25.07.2019 the applicant has made forcible sexual intercourse with the prosecutrix. 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 prosecutrix has not supported the prosecution case before the trial Court and turned hostile in her 164 statement. The applicant is in jail since 08.08.2019, 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. Learned counsel for the objector has made no objection regarding the grant of bail to the present applicant.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that prosecutrix has not supported the prosecution case before the trial Court and turned hostile in her Court statement. The applicant is in jail since 08.08.2019 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.
8. 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**