

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6334 of 2019**

- Tej Prakash Kisane S/o Raghuvir Singh Aged About 23 Years, R/o Bagdei, Police Station Gurur, District Balod, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Office, Police Station Doundi, District Balod, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Shikhar Sharma, Adv.
For Respondent/State	:	Mr. Anurag Verma, PL.
For Complainant	:	None.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23/01/2020**

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. 13/2019 registered at Police Station-Doundi, District - Balod (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (I) (N) of the IPC and 5 (अ)/6 of POCSO Act.
2. The prosecution story, is that complainant Devendra Yadav filed a complaint that on 12.02.2019, one unknown person by misguiding the prosecutrix have taken her with him, during investigation the prosecutrix was recovered from the house of the present applicant. Based on this, 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 prosecutrix is a consenting party and

she stated in her under section 164 Cr.P.C. statement that the applicant did not know that she is minor and she further stated that she had told the applicant that she is 21 years of age. The applicant is in jail since 24.02.2019, 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, detention period of applicant and further considering the facts that the applicant is in jail since 24.02.2019 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