

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6404 of 2019**

- Parmesh Beck S/o Gopal Ram Beck, aged about 22 years, R/o Natkela, Jampara, P.S. Bagicha, District Jashpur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Mahila Thana, Ambikapur, District Surguja (C.G.)

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Adv.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****07/01/2020**

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.22/2019, registered at Police Station - Mahila Thana, Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 376(2)(n) IPC and Sections 5(I) read with section 6 of POCSO Act.
2. The prosecution story, in brief, is a report was lodged by the Prosecutrix at Police Station alleging therein that the applicant committed sexual intercourse with her on the false pretext of marriage as a result of which she conceived and delivered a child. Based on this, offence has been registered. The present applicant has been taken into custody on 01.07.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that he has filed a document (Annexure A-2)

which is affidavit of the father of the prosecutrix by which the applicant has performed the marriage with prosecutrix. He also submits that before the trial Court no objection was raised on the bail application of the applicant by the father of the prosecutrix. It is next submitted that the applicant is in custody since 07.01.2019, charge sheet has been filed 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 and she delivered a child.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 01.07.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. 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