

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6786 of 2019**

- Mahadev @ Madhav, S/o Lachhindar Kashyap, Aged About 22 Years, R/o At Village Chhaparbhanpuri, Police Station- Bandaji, District- Bastar, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through: The Police Station- Bandaji, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Pravin Kumar Tulsyam, Adv.
For Respondent/State	: Mr. Vinod Kumar Tekam, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.03.2020**

1. Pursuant to the Court's order dated 09.12.2019, the prosecutrix has appeared before this Court on 16.01.2020 and submits that bail may not be granted to the applicant.
2. 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. 29/2019 registered at Police Station- Bandaji, District- Bastar, (C.G.) for the offence punishable under Sections 376 of IPC, 6 of POCSO Act, 2012 and U/s 3 (2)(V) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989.
3. The prosecution story, in brief is that, it has been alleged that on the pretext of marriage, the present applicant made sexual intercourse with the prosecutrix. Thereafter, offence has been registered against the present applicant.
4. 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 has not supported the

prosecution case before trial Court and turned hostile. The applicant is in jail since 02.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application.
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 the prosecutrix has not supported the prosecution case before trial Court and turned hostile. The applicant is in jail since 02.07.2019 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**