

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6903 of 2019**

- Gautam Kumar Sao, aged 19 year, S/o Indra Dev Prasad Sao, R/o Nag - Nagara, P.S. - Aurai, District Mujaffarpur (Bihar), Present address - village Kharhar, P.S. Meena, District Mujaffarpur (Bihar)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Gurur, District Balod (C.G.)

---- Respondent

For Applicant	:	Shri Hemant Gupta, Advocate
For Respondent	:	Shri V.K. Agrawal, P.L.

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.135/2018 registered at Police Station - Gurur, Revenue & Civil District Balod (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 3, 4, 5(३), 6 and 8 of POCSO Act.
2. The prosecution story, in brief, is that in the month of June, 2018, the prosecutrix without informing her family members went to Raipur where she visited the applicant and stayed there for one week. Thereafter, they went to Gujarat and came back after about one month. When they came back, the statement of the prosecutrix was recorded. Based on this, offence has been registered. The present applicant has been taken into custody on 27.09.2018.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that the prosecutrix, in her 164 CrPC statement, has not stated anything against the applicant and not supported the prosecution case. He also submits that the applicant is in custody since 27.09.2018, 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.
5. Despite the notice of this Court, the prosecutrix is not present before this Court.
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, quality of evidence and further considering the fact that the applicant is in custody since 27.09.2018, charge sheet has been filed 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 local 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