

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6953 of 2019**

- Kamal Sahu S/o Deelip Sahu Aged About 29 Years, R/o Shakti Nagar, Near Raju Provision Store, Police Station - Pandari, Tahsil And District-Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Police Station Pandari, District - Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Raza Ali, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****09/12/2019**

1. Pursuance to order dated 16.12.2019 of this Court, Maternal Uncle of the prosecutrix namely, Roshan Lal Yadav S/o late Baratu Yadav is present today. On being asked, he has not made his objection regarding grant of bail to the applicant.
2. His presence be marked.
3. 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. 159/2019 registered at Police Station-Pandari, District-Raipur (C.G.) for the offence punishable under Sections 363, 366-A, 376 of the IPC and 4, 6 of POCSO Act.
4. The prosecution story, in brief is that parents of the prosecutrix reported the matter to the police that on 30.06.2018 the applicant took the prosecutrix with him and on pretext of marriage committed sexual intercourse with the prosecutrix. Based on this offence has

been registered against the present applicant.

5. 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 age of the prosecutrix is above 18 years and they have married with each other in support of which copy of the certificate of Arya Samaj is filed herewith as Annexure A-2. The applicant is in jail since 23.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. 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 they have married with each other in support of which copy of the certificate of Arya Samaj is filed herewith and the present applicant is in jail since 23.07.2019 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.
9. 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**