

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7137 of 2019**

- Poonam Lal Vishwakarma S/o Ramkumar Vishwakarma, aged about 19 years, R/o Village Chinchalgodi, P.S. Arjunda, District Balod (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Arjunda, District Balod Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Arti Chandra Datta, Advocate.
For Respondent/State	:	Mr. Vinod K. Tekam, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05.02.2020**

1. Complainant is not present today though notice has been served.
2. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 158/2019 registered at Police Station -Arjunda, District Balod (C.G.) for the offence punishable under Sections 363, 366, 342, 376 of IPC and Sections 4 & 5(ᳵ)/6 of POCSO Act.
3. The prosecution story in brief is that, a missing report of the prosecutrix was lodged before the concerned police station. After completion of investigation, prosecutrix was recovered from the possession of applicant. The allegation against the present applicant is that he has abducted the prosecutrix and outraged her modesty. Based on that offence has been registered against the applicant and he has been arrested.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that, as per the charge-sheet, prosecutrix is above 16 years of age. Applicant has not abducted the prosecutrix, she herself went to the house of applicant and she was a consenting party. Charge-sheet has been filed and he is in jail since 07.10.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
5. Per contra, State counsel 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, age of the prosecutrix and further considering that the applicant is in jail since 07.10.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu