

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7195 of 2019**

- Tikeshwar Netam S/o Beer Singh Netam Aged About 23 Years, R/o Village Jidar, Police Station Mainpur, Tahsil Mainpur, District Gariyaband, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Police Station Mainpur District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Moh. Afroz Athar, Adv.
For Respondent/State	:	Ms. Akshra Amit, PL.

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

1. 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. 79/2019 registered at Police Station-Mainpur, District-Gariyaband (C.G.) for the offence punishable under Sections 363, 376, 417, 506 of the IPC and 6 of POCSO Act.
2. The prosecution story, is that prosecutrix lodged a written complaint that on 03.02.2019 at about 4:00 pm. applicant Tikeshwar seduced her and took away with him and on pretext of marriage applicant continuously committed sexual intercourse with her and when she opposes, applicant threaten to kill her. Based on this, offence has been registered against the present applicant.
3. 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 more than 16

years. The applicant is in jail since 18.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. 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 the age of the prosecutrix is above 16 years. The applicant is in jail since 18.09.2019 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.
7. 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**