

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7183 of 2019**

- Surendra Kumar Bakhla @ Bouna S/o Kumar Sai, aged about 21 years, R/o village Dumki, Police Station Dhourpur, District Surguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Dhourpur, District Surguja (C.G.) (wrongly mentioned as Chowky)

---- Respondent

For Applicant	:	Shri Abhishek Pandey, Adv.
For Respondent	:	Smt. Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****06/01/2020**

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.41/2019, registered at Police Station – Dhourpur, District Surguja (C.G.) for the offence punishable under Sections 376(2)(n) IPC and Sections 5(1) read with section 6 of POCSO Act.
2. The prosecution story, in brief, is that on 06.07.2019 an FIR was lodged by the Prosecutrix alleging therein that from 01.11.2018 to 30.05.2019 the applicant committed repeated sexual intercourse with her on the pretext of marriage and at the relevant time she was below 18 years. Further case is that due to repeated sexual intercourse, the prosecutrix became pregnant. Based on this, offence has been registered. The present applicant has been taken into custody on 07.07.2019.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that there is delay of about 1 year in lodging the FIR and the age of the prosecutrix at the relevant time was more than 18 years. It is next submitted that the applicant is in custody since 07.07.2019 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. I have heard learned counsel for the parties and perused the case diary.
6. 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 07.07.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. 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 solvent 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