

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7184 of 2019**

- Baluram son of Bhojaram Ghoda, aged about 40 years, resident of near Community Building Ronjhla, Kota (Rajasthan)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station – Kukdur, District Kabirdham (C.G.)

---- Respondent

For Applicant	:	Shri C.K. Sahu, Adv.
For Respondent	:	Shri V.K. Agrawal, 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.21/2019, registered at Police Station – Kukdur, District Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376, 368, 34 IPC and Sections 4 & 6 of POCSO Act.
2. The prosecution story, in brief, is that the minor son of the applicant abducted the prosecutrix and took her to Ujjain, from where she was taken to Kota (Rajasthan) with the help of present applicant and co-accused, kept her in rental house and committed sexual intercourse with her. Based on this, offence has been registered. The present applicant has been taken into custody on 11.10.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the present applicant, in any manner, has not assisted the minor accused for abducting the

prosecutrix. He also submits that on 03.10.2019 co-accused Smt. Sirmat Bai has already been granted bail by this court in MCRC No.5151/2019. It is next submitted that the applicant is in custody since 11.10.2019, 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. 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 co-accused has already been granted bail by this Court, the applicant is in custody since 11.10.2019, 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 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 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