

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7190 of 2019**

- Rajesh Dhruv, S/o Daduram Dhruv, Aged About 21 Years, R/o Village Singarpur, Police Station- Bhatapara, District - Baloda Bazar - Bhatapara Chhattisgarh.

----Applicant**Versus**

- State of Chhattisgarh Through: Station House Officer, Police of Police Station - Bhatapara Gramin, District - Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Anil Gulati, Adv.
For Respondent/State	:	Ms. Akshara Amit, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.03.2020**

1. Pursuant to the order dated 06.01.2020 of this Court, informant/ complainant (Grandmother of the prosecutrix) had appeared before this Court on 05.02.2020. On being asked, she had made her objection regarding grant of bail to the applicant.
2. 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. 313/2019 registered at Police Station- Bhatapara Gramin, District - Baloda Bazar - Bhatapara (C.G.) for the offence punishable under Section 376 of IPC and Sections 4, 6 of POCSO Act.
3. The prosecution story, in brief is that, on 01.08.2019, an FIR has been lodged by the prosecutrix alleging that the present applicant made sexual intercourse with the prosecutrix for the last two years. Based on this, offence has been registered. Present applicant has been taken into custody since 17.09.2019.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. The applicant is in jail since 17.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime so, it is not a fit case to release him on bail.
6. I have heard learned counsel for the parties and perused the case diary.
7. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
8. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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