

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7216 of 2019**

- Ramjan Khan S/o Ayub Khan Aged About 19 Years, Caste - Musalman, R/o Ward No. 4, Lohara Naka, Kawardha, Tahsil Kawardha, District Kabirdham, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Dharmesh Srivastava, Adv.
For Respondent/State	:	Ms. Reena Singh, 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. 429/2019 registered at Police Station-Kawardha, District-Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 3, 4 of POCSO Act.
2. The prosecution story, is that when the prosecutrix standing in front of her house on 30.09.2019 at about 9 pm. night then the present applicant came there and allured her on pretext of marriage and took her to Lakshmi lodge Kawardha. It is further alleged that the present applicant stayed there for 2 days and committed forcibly sexual intercourse with the prosecutrix. 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 17 years and the applicant is in jail since 03.10.2019, 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 17 years and the applicant is in jail since 03.10.2019 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.
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**