

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7470 of 2019**

- Sanjay Sahu S/o Shri Parasram Sahu Aged About 22 Years
R/o Village Hardi, Police Station Gariyaband, District
Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Gariyaband,
District Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. J.K. Gupta, Advocate
For Respondent-Statte	:-	Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board

17/01/2020

- 1.The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.403/2019 registered at Police Station - Gobra Navapara, District Raipur (C.G.) for the offence punishable under Sections 366, 376 of the IPC and Sections 4 and 6 of POCSO Act.
- 2.The prosecution story, in brief, is that the applicant

stayed at the house of prosecutrix to celebrate the birthday in the night of 18.08.2019. The applicant is alleged of committing sexual assault on prosecutrix on pretext of marriage when everyone else was sleeping in her house. Based on this, offence has been registered. The present applicant has been taken into custody.

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 the applicant is in jail since 13.10.2019, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant may be released on bail.
4. On the other hand State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the entire material available on record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicant is in jail since 13.10.2019 and as 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 their 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. Applicant is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit