

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7448 of 2019**

- Dharmendra Sharma, S/o Narendra Kumar Sharma (wrongly mentioned the name of the father of the applicant as Narendra Prasad Sharma in the rejection order of the case title), Aged About 21 Years R/o Village Nari, Police Station- Kurud, District- Dhamtari Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through The Station House Officer, Police Station- Kurud, District- Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Adv.
For Respondent/State	: Ms. Akshara Amit, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.01.2020**

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. 424/2019 registered at Police Station- Kurud, District- Dhamtari (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 6 of the POCSO Act, 2012.
2. The prosecution story, in brief is that, on the pretext of the marriage, the present applicant made sexual relationship with the prosecutrix for the last few months. Thereafter, 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 above 16 years. The applicant is in jail since 26.09.2019, 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, and further considering the facts that the age of the prosecutrix is above 16 years and she did not support the prosecution case in her 164 statement. The applicant is in jail since 26.09.2019 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**