

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7286 of 2019**

- Rohit Kumar Mahanandi, S/o Late Ramesh Mahanandi, Aged About 19 Years, Caste Panika, R/o Village Pahurbel Chowki Bakawand, District- Bastar Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through: The Station House Officer, Police Station- Ajak, Jagdalpur, District- Bastar Chhattisgarh.

**---- Respondent**


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| For Applicant        | : Mr. Punit Ruparel, Adv. |
| For Respondent/State | : Mr. B. L. Sahu, P.L.    |
| For Objector         | : Ms. Rajkumari Yadav     |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****14.02.2020**

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. 189/2019 registered at Police Station- Ajak, Jagdalpur District- Bastar, (C.G.) for the offence punishable under Sections 363, 366, 376 of I.P.C. and Section 4 of POCSO Act, 2012 and Section 3 (2) (V) of Scheduled Caste and Scheduled Tribe Act.
2. The prosecution story, in brief is that, the prosecutrix lodged a report alleging that she met with applicant on Navratri Festival then they started talk over mobile phone. On 03.08.2019 at about 11.00 PM, when she went to answer the natural call then applicant forced her to come with him on the pretext of marriage then prosecutrix got ready to come with him then applicant committed sexual intercourse with the prosecutrix. Thereafter, offence has been registered against the present applicant and has been arrested.
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 prosecutrix has not stated anything against the present applicant in her statement of 164 of Cr.P.C. The applicant is in jail since 14.08.2019, 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. Learned counsel for the Objector has made objection regarding grant of bail to the applicant.
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 prosecutrix has not stated anything against the present applicant in her statement of 164 of Cr.P.C. The applicant is in jail since 14.08.2019 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**