

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7331 of 2019**

- Rahul Vaishnav, S/o Shri Manmohan Vaishnav, Aged About 20 Years, R/o Village Bharari, Thana- Pachpedi, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: Police Station- Kota, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sangeet Kumar Kushwaha, Adv.
For Respondent/State	: Mr. Anurag Verma, P.L.

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

1. Pursuant to the order dated 09.01.2020 a notice has been issued to the informant/complainant to appear before this Court but no one appeared on the date of hearing.
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. 364/2019 registered at Police Station- Kota, District- Bilaspur, (C.G.) for the offence punishable under Sections 376, 120-B, 34 of I.P.C. and Sections 4, 6 of POCSO Act, 2012.
3. The prosecution story, in brief is that, it has been alleged that the present applicant committed sexual intercourse with the prosecutrix. Thereafter, offence has been registered against the present applicant. Applicant has been taken into custody since 06.08.2019.
4. 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 incident took place in the year 2018 and report has been lodged in the year 2019. The applicant is in jail since 06.08.2019, 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.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the facts that the present age of the prosecutrix is above 16 years. The applicant is in jail since 06.08.2019 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.
8. 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

Ruchi