

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7549 of 2019**

- Durgesh Netam, S/o Shri Raitwari Netam, Aged About 20 Years, R/o Village - Raseda, Police Station- Akaltara, District - Janjgir - Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through - S.H.O., Police Station- Akaltara, District - Janjgir - Champa Chhattisgarh.

---- Respondent

For Applicant	: Mr. Ravindra Sharma, Adv.
For Respondent/State	: Mr. Vinod Kumar Tekam, P.L.
For Complainant	: Mr. Vaibhav A. Goverdhan, Objector

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.01.2020**

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. 242/2019 registered at Police Station- Akaltara, District - Janjgir - Champa (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC & Section 6 of POCSO Act.
2. The prosecution story, in brief is that, on 05.08.2019, the father of the prosecutrix lodged written complaint stating that her daughter has left the house without informing any family members, it is also alleged that the unknown person took the prosecutrix. After investigation, prosecutrix has been recovered. 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 applicant is in jail since 12.08.2019, 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.
5. The counsel for the objector has not made any objection regarding the grant of bail to the applicant.
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 applicant is in jail since 12.08.2019 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**