

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7367 of 2019**

- Chumman Lal Sahu, S/o Domar Sahu, Aged About 32 Years, R/o Mohadi, P.S. Ghumka, District- Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through The Station House Officer, P.S. Ghumka, District- Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	: Mr. B.D. Guru, Adv.
For Respondent/State	: Ms. Reena Singh, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****13.01.2020**

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. 98/2019 registered at Police Station- Ghumka, District- Rajnandgaon (C.G.) for the offence punishable under Sections 376, 315 and 506 of I.P.C. and Section 6 of the POCSO Act, 2012.
2. The prosecution story, in brief is that, the present applicant developed the physical relation with the prosecutrix on the pretext of marriage and due to the said relation the prosecutrix became pregnant. 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 17 years and she has filed an affidavit before trial Court in support of his bail application. The applicant is in jail since 16.07.2019, 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 17 years and she has filed an affidavit before trial Court in support of his bail application. The applicant is in jail since 16.07.2019 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**