

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7436 of 2019**

- Pawan Manjhi, S/o Sukhdev Manjhi, Aged About 30 Years, R/o Gram Thakurpodi, Tehsil- Dharamjaygadh, District- Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through Police Station- Dharamjaygadh District- Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sanjay Agrawal, Adv.
For Respondent/State	: Mr. V. K. Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****23.01.2020**

1. Earlier, on 07.01.2020, a notice was sent to the complainant to appear before this Court. Today, complainant is not present though notice has been served.
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. 198/2019 registered at Police Station- Dharamjaygadh, District- Raigarh, (C.G.) for the offence punishable under Sections 363, 366, 376, of IPC & Section 6 of POCSO Act, 2012.
3. The prosecution story, in brief is that, on 09.10.2019, on the pretext of marriage the present applicant committed rape with the prosecutrix. Thereafter, offence has been registered against the present applicant.
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 prosecutrix in her 164 Cr.P.C. statement nowhere mentioned about the rape. The applicant is in jail since 13.10.2019, 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 prosecutrix in her 164 Cr.P.C. statement nowhere mentioned about the rape. The applicant is in jail since 13.10.2019 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**