

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7641 of 2019**

- Tilakchand Suryawanshi S/o Late Niluram Suryawanshi Aged About 21 Years R/o Village Dabaripara Village Fafni, Police Station Bhanpuri, District Bastar, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Police Station Bhanpuri, District Bastar, Chhattisgarh.

---- Respondent

For Applicant :- Mr. Pravin Kumar Tulsyan, Adv.
For Respondent-State:- Mr. Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20/01/2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No.128/2019 registered at Police Station – Ajak, District Bastar (C.G.) for the offence punishable under Section 376 of the IPC, Section 6 of the POCSO Act and Section 3(2)(V) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act.

2. The prosecution story, in brief, is that the prosecutrix has lodged the FIR against the present applicant that on the pretext of marriage making physical relation. Based on this, offence has been registered. The present applicants have been taken into custody on 17.09.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is above 16 years of age on the date of incident. Next submission is that the present applicant is in jail since 17.09.2019, he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, the present applicant may be released on bail.
4. On the other hand State counsel strongly opposes the bail application.
5. I have heard learned counsel for the parties and perused the entire material available on record.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case and further considering the fact that the present applicant is in jail since 17.09.2019 and as 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 their 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. Applicant is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge

Ankit