

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7760 of 2019**

- Kamlesh Kannauje, S/o Purushottam Kannauje, Aged About 24 Years, R/o Village Kharora, Police Station & District- Mahasamund Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station- Mahasamund, District- Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Mr. D. K. Vishwakarma, Adv.
For Respondent/State	: Mr. Anil Tripathi, P.L.
For Objector	: Mr. Utkal Pradhan, Adv.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****02.03.2020**

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. 322/2019 registered at Police Station- Mahasamund, District- Mahasamund, (C.G.) for the offence punishable under Section 376 (2) (ढ) of IPC, Section 4, 6 of POCSO Act, 2012.
2. The prosecution story, in brief is that, it has been alleged that present applicant made physical relationship with the prosecutrix as a result of which 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 applicant is in jail since 04.08.2019, 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. Learned counsel for the objector has also made his objection regarding grant of bail to the applicant.

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 at the time of incident, the age of the prosecutrix is above 16 years. The applicant is in jail since 04.08.2019 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.
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**