

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7713 of 2019**

- Ramlal S/o Dharmu, aged about 24 years, R/o village Ruppur, Police Station Basantupur, District Balrampur – Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station AJAK-Balrampur, District Balrampur-Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Shri Arun Kumar Shukla, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.

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

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.22/2019, registered at Police Station – AJAK-Balrampur, District Balrampur (C.G.) for the offence punishable under Sections 376, 342 IPC, Section 3(2)(v) of SC/ST Act and Sections 5 & 6 of POCSO Act, 2012.
2. The allegation against the applicant is that on 16.07.2019, when the prosecutrix went to the shop of applicant, he caught hold of her hands, dragged her inside his shop, gagged her mouth and committed forcible sexual intercourse with her. Based on this, offence has been registered. The present applicant has been taken into custody on 19.07.2019.
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 married and she is a consenting party to the act of the applicant. He also submits that the prosecutrix is major. He also submits that the applicant is in custody since 19.07.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned State counsel submits that the age of the prosecutrix is 17 years and 10 months.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 19.07.2019, charge sheet has been filed and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge