

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7591 of 2019**

- Pavitra Vishwas S/o Shri Nirmal Vishwas Aged About 26 Years, R/o Village - P. V. 114, Bharatpur Pakhanjur, Police Station - Pakhanjur District - North Baster Kanker, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station - Pakhanjur District - North Baster Kanker, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Sunil Sahu, Adv.
For Respondent/State	:	Ms. Akshra Amit, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/01/2020**

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. 123/2019 registered at Police Station-Pakhanjur, District - North Baster Kanker (C.G.) for the offence punishable under Sections 376 (2) (ब), 506 (part-II) of the IPC and 06 of Protection of Children from Sexual Offences Act.
2. The prosecution story, is that on 18.08.2019 complainant lodged a report that on 25.03.2019 applicant called her behind her house at kitchen Garden and on pretext of marriage committed sexual intercourse with her. Thereafter, again he committed the same with her after two-three days and also threaten her to not disclose that with anyone, and on 17.08.2019 when she became pregnant of about 6 months she informed to her parents and thereafter they lodged the report. Based on this, 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 16 years and the applicant is in jail since 19.08.2019, 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.
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, detention period of applicant and further considering the facts that the prosecutrix is above 16 years old and the applicant is in jail since 19.08.2019 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**