

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7577 of 2019**

- Pankaj Sahu S/o Rakesh Sahu Aged About 26 Years, R/o Hari Om Nagar, Ward No. 19, Police Station Basantpur, District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Police Station Kotwali, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. S. S. Baghel, Adv.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, 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. 435/2019 registered at Police Station-Kotwali, District - Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376(2) of the IPC and 6 of Protection of Children from Sexual Offences Act.
2. The prosecution story, is that the complainant/mother of the prosecutrix lodged a missing complaint and during the investigation prosecutrix recovered from the possession of the present applicant and it was alleged by the prosecutrix that the present applicant on pretext of marriage committed sexual intercourse with her. 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 16.08.2019, 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 16.08.2019 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**