

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7618 of 2019**

- Bajrang Sahu son of Sanjay Sahu, aged about 18 years, R/o Mathpara Chowk, Ambikapur, Police Station Ambikapur, District Surguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Mahila Thana, Ambikapur, District Surguja (C.G.)

---- Respondent

For Applicant	:	Shri V.K. Pandey, Advocate
For Respondent	:	Shri Anil Tripathi, P.L.

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

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.36/2019, registered at Police Station - Mahila Thana, Ambikapur, District Surguja (C.G.) for the offence punishable under Sections 376(2)(a) IPC and Section 5 read with Section 6 of POCSO Act, 2012.
2. The allegation against the present applicant is that from 02.04.2019 to 27.06.2019, the applicant committed sexual intercourse with the prosecutrix on the pretext of marriage and when she became pregnant, the applicant denied for marriage. Based on this, offence has been registered. The present applicant has been taken into custody on 27.08.2019.
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 18 years of age but the police has wrongly mentioned her age as 17 years. He also submits that the prosecutrix is consenting party to the act of the applicant. He further added that the applicant is in custody since 27.08.2019 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.
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 27.08.2019, 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