

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7660 of 2019**

- Anil Kumar Gayakwad S/o Gurudayal Gayakwad Aged About 21 Years
R/o Sakin- Konari, Thana- Kasdol, District Balodabazar Bhatapara,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House In-Charge, Police
Station Aarang, District Raipur, Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Supriya Upasane, Advocate.
For Respondent/State	:	Mr. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.01.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 534/2019 registered at Police Station - Aarang, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4, & 6 of POCSO Act 2012.
2. The prosecution story in brief is that complainant, brother of the prosecutrix, lodged a missing report of her sister against unknown person. After completion of investigation it is alleged that in the night of 24-25 August 2019 applicant captured the prosecutrix, performed marriage and made physical relationship with her. On the basis of that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant

is innocent and has been falsely implicated in the case. He further submits that there was love affair between the parties and prosecutrix willingly went with the applicant and performed marriage. He next submitted that applicant is jail since 31.10.2019 there is no previous antecedent against him, therefore, the present appellant 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, age of the prosecutrix which is above 17 years and further considering the detention period of the applicant, as 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu