

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7752 of 2019**

- Sandeep Tamboli S/o Munna Tamboli Aged About 20 Years R/o Club Para, Mahasamund, District- Mahasamund, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Kotwali, Mahasamund, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Devarshi Thakur, Advocate.
For Respondent/State	:	Ms. Reena Singh, PL
For Objector	:	Mr. Shikhar Sharma, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16.03.2020**

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. 370/2019 registered at Police Station – Kotwali, Mahasamund (C.G.) for the offence punishable under Sections 370 (A), 372, 373, 376, 34 of the IPC and Sections 6 & 17 of POCSO Act.
2. As per the prosecution case, the allegation against the present applicant is that, he along with other accused persons committed sexual intercourse with the prosecutrix and threatened her not to disclose the fact to anyone. When she became pregnant, her family member inquired about the matter and lodged a written report against the applicant. Based on 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 next submits that there was love affair between accused Ghanshyam Sahu and prosecutrix and other co-accused persons developed physical relationship with her consent by paying money to her. The applicant is in jail since 16.09.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. Per contra, State counsel and counsel for Objector oppose 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, nature and gravity of the crime, detention period of the applicant, in particular the age of the prosecutrix, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

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