

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7695 of 2019**

- Umesh Kumar Karsh S/o Shyam Lal Karsh, Aged About 22 Years R/o Thathari, Jaijaipur, District-Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Police Station Gidhori Tundra, District-Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. A. S. Rajput, Adv.
For Respondent/State	:	Mr. Anil Tripathi, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/02/2020**

1. Pursuant to the order dated 03.01.2020 of this Court, informant/complainant namely Shri Rupram Ratre was present on 03.02.2020. On being asked he had made his objection regarding grant of bail to the applicant.
2. 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. 224/2019 registered at Police Station-Gidhori Tundra, District-Balodabazar-Bhatapara (C.G.) for the offence punishable under Sections 363, 376, 450, 506, 120B, 201/34 of the IPC and 17, 04, 06 of POCSO Act.
3. The prosecution story, in brief is that, the complainant lodged a report that on 26.09.2019 at about 01:30 am., when the prosecutrix was sleeping along with her parents in her house, unknown persons entered into the house and took her in capsule vehicle and committed forcibly sexual intercourse

with the prosecutrix. Based on this, offence has been registered against the present applicant and other co-accused person.

4. 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 whole allegation is against the co-accused person. He also submits that the applicant is in jail since 27.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 whole allegation is against the co-accused person and the applicant is in jail since 27.09.2019 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.
8. 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