

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7724 of 2019**

- Harish Chandrawanshi, aged 25 years, S/o Late Shri Govind Lal Chandrawanshi, R/o village - Medhha, P.S. - Dongargarh, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer, Police Station Durg Kotwali, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Achyut Tiwari, Advocate
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****20/01/2020**

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.579/2019, registered at Police Station - Durg Kotwali, District Durg (C.G.) for the offence punishable under Sections 376, 506 IPC and Section 6 of POCSO Act, 2012.
2. The allegation against the present applicant is that he committed sexual intercourse with the prosecutrix many times on the pretext of marriage as a result of which she became pregnant. The denial of applicant to perform marriage with the prosecutrix leads to filing of FIR. The present applicant has been taken into custody on 07.07.2019.
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 a consenting party to the act of the applicant. He also submits that the

prosecutrix, in her 164 and 161 CrPC statement has mentioned different dates of birth. That apart, there is delay of about 9 months in lodging the FIR. He further added that the applicant is in custody since 07.07.2019, charge sheet has been filed 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. Learned State counsel submits that the age of the prosecutrix is 17 years and four months.
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 07.07.2019, 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