

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7964 of 2019**

- Ravindar Paikra S/o Ubalram Paikra, Aged About 22 Years R/o Village Karsi, Police Station And Tahsil Pratappur, District Surajpur, Chhattisgarh. (As Per Charge Sheet)

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Outpost Latori, Police Of Police Station Jainagar, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate.
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****27/01/2020**

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.95/2019, registered at Police Station – Outpost Latori, P.S. Jainagar, District Surajpur (C.G.) for the offence punishable under Sections 376 (2)(n) IPC and Sections 4 and 6 of POCSO Act, 2012.
2. The prosecution case, in brief, is that after marriage of her sister when she (victim) went to in-laws' house of her sister, she came into contact with the applicant and started talking with each other. On 19.04.2018, there was a marriage ceremony in her neighbour's house where the applicant had also come and during this period the applicant established physical relation with her. Based on this, offence has been registered. The present applicant has been taken into custody on 12.09.2019.
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, in her 164 CrPC statement, has not stated anything against the applicant and denied the incident. He also submits that the applicant is in custody since 12.09.2019 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. Learned State counsel submits that at the time of incident, the age of the prosecutrix was 16 year and 7 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 12.09.2019, 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