

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7982 of 2019**

- Rupendra Thakur, S/o Jagat Singh Thakur, Aged About 21 Years, R/o Village Bade Aarapur Patel Para, Police Station- Kodenaar, District-Bastar Chhattisgarh.

---- Applicant

**Versus**

- State of Chhattisgarh, Through Police Station- Kodenaar, District-Bastar Chhattisgarh.

---- Respondent

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| For Applicant        | : Mr. Vikash A. Shrivastava, Adv. |
| For Respondent/State | : Mr. Vinod Kumar Tekam, P.L.     |

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**Hon'ble Smt. Justice Rajani Dubey****Order on Board****28.01.2020**

1. 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. 37/2019 registered at Police Station- Kodenaar, District- Bastar, (C.G.) for the offence punishable under Section 376 of IPC, Section 6 of the POCSO Act and Section 3 (2) (V) of SC & ST Act.
2. The prosecution story, in brief is that, applicant allured her to get married with her and committed rape since 2014. On 29.04.2018, applicant took the prosecutrix to Vishakhapatnam and kept her as a wife for one year after that he refused to kept her with him. Thereafter, offence has been registered against the present applicant.
3. 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 age of the prosecutrix is above 16 years and the applicant is in jail since 26.08.2019, there is no likelihood of his case being decided in near future, therefore, the present

applicant 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, and further considering detention period of the applicant and the facts that the age of the prosecutrix is above 16 years the applicant is in jail since 26.08.2019 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.
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 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**