

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7913 of 2019**

- Khileshwar @ Khilu @ Mona S/o Late Budhram Vishwakarma Aged About 19 Years, R/o Village - Demar, Police Station - Arjuni, District - Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station - Arjuni, District - Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Indira Tripathi, Adv.
For Respondent/State	:	Mr. B. L. Sahu, PL.

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

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. 181/2019 registered at Police Station-Arjuni, District - Dhamtari (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC, 4, 6 of POCSO Act and 3(2)5 of ST/SC Act.
2. The prosecution story, is that on 27.07.2019 complainant Kamesh Netam lodged a missing report that on 19.05.2019, about 9.30 am. his sister Anita Netam went to village Demar by bicycle but not returned. During his searching on dated 20.07.2019 the mother of Ajeet Sahu told that yesterday Anita Netam came and leave her bicycle at her house and left her house. The complainant further reported that some unknown persons have entices and kidnapped to his sister Anita Netam. During investigation the prosecutrix has been brought by her brother Kamesh Netam along with Devdhar

Rangari, Umesh Netam and Gopesh Netam, whereby panchnama has been prepared and the prosecutrix has been enquired who told that applicant Khilesh Vishwakarma on pretext of marriage enticed her and committed sexual intercourse with the prosecutrix. Based on this, 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 07.10.2019, 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, detention period of applicant and further considering the facts that the applicant is in jail since 07.10.2019 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