

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8010 of 2019**

- Shiva Khadiya S/o Shri Kumar Khadiya Aged About 19 Years, R/o Chhatamuda, Raigarh, Out Post- Jutemill, P.S. Kotwali, Tahsil And District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through - S.H.O. Of The Police Station - Out Post - Jutemill, P.S. Kotwali, Tahsil And District-Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Abhishek Saraf, Adv.
For Respondent/State	:	Mr. Anurag Verma, PL.

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. 879/2019 registered at Out Post-Jutemill, Police Station-Kotwali, District - Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 4, 6 of the POCSO Act.
2. The prosecution story, in brief, is that Sister of the prosecutrix lodged an FIR against the applicant that on pretext of marriage applicant abducted the prosecutrix and committed sexual intercourse with her. 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 164 statement of the prosecutrix recorded and in which she did not allege anything against the

applicant and the age of the prosecutrix is above 17 years. The applicant is in jail since 22.10.2019, 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 age of the prosecutrix is above 17 years and statement of the prosecutrix under Section 164 Cr.P.C is not supported the prosecution case. The applicant is in jail since 22.10.2019 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**