

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8049 of 2019**

- Kiran Kumar Baghel S/o Sukulldhar Aged About 21 Years R/o Chalkiras Para Village Tongpal, Tahsil Chindgarh, District Sukma, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Darbha, District Bastar, Chhattisgarh.

---- Respondent

For Applicant. : Mr. Vikas A. Shrivastava Advocate.
 For Respondent/State : Mr. Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****25.02.2020**

1. Pursuant to the order dated 28.01.2020, complainant/prosecutrix is present today before this Court. On being asked she made her objection regarding the grant of bail.
2. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 10/2018 registered at Police Station - Darbha, District Bastar (C.G.) for the offence punishable under Sections 363, 376, 109 & 506 of IPC and Section 4 of POCSO Act.
3. As per the prosecution case, when the prosecutrix was going to Singanpur with her parents, at the midway, near the Geedam Naka, co-accused Mohan Kawasi came across and they went together to the Neganar. Next day, co-accused Mohan Kawasi committed sexual intercourse with the prosecutrix against her will when they were returning to Singanpur. The allegation against the present applicant is

that he picked up the prosecutrix from Tongpal, where co-accused person Mohan Kawasi had tropped her, and then took the prosecutrix with him to the Bhopal and threatened her not to disclose the fact to anyone. Based on that, offence has been registered against the applicant and he has been arrested.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that the main allegation is against co-accused person Mohan Kawasi. The applicant is in jail since 10.03.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
5. Per contra, State counsel opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, as the main allegation is against co-accused Mohan Kawasi and the applicant is in jail since 10.03.2019 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.
8. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge