

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8033 of 2019**

- Janak Lal Nishad @ Manharan S/o Jugul Nishad Aged About 28 Years
R/o Malighori, Police Station And District Balod Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Office, Police Station
Balod Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Shikhar Sharma, Advocate.
For Respondent/State	:	Mr. Akshara Amit, 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 the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 203/2019 registered at Police Station – Balod (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4, 5(L) & 6 of POCSO Act.
2. The allegation against the present applicant is that, he has committed sexual intercourse with the prosecutrix on the pretext of marriage. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He next submits that age of the prosecutrix is above 16 years. As applicant is in jail since 08.06.2019, charge-sheet has

been filed 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.

4. Per contra, State counsel strongly opposed 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 that the detention period of the applicant, as 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 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**

Vijay Sahu