

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8195 of 2019**

- Rakesh Kumar Sagar, S/o Fodu Ram Sagar, Aged About 21 Years, R/o Village Kikirda, Police Station- Birra, District- Janjgir-Champa Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Deepka, District- Korba Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikas Pandey, Adv.
For Respondent/State	: Mr. Vinod Kumar Tekam, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.01.2020**

1. Pursuant to the order dated 13.12.2019, the mother of the prosecutrix is present today before this Court, on being asked, she has made no objection regarding the grant of bail.
2. 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. 186/2019 registered at Police Station- Kotwali, District - Korba (C.G.) for the offence punishable under Sections 363, 366, 376 of I.P.C. 1860 and Sections 3, 4 of POCSO Act, 2012.
3. The prosecution story, in brief is that, it has been alleged that applicant has made continuously sexual intercourse with the prosecutrix. Thereafter, offence has been registered against the present applicant.
4. 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 prosecutrix has not supported the prosecution case before the trial Court and turned hostile. The

applicant is in jail since 09.09.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State 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, and further considering the facts that prosecutrix has not supported the prosecution case before the trial Court and turned hostile. The applicant is in jail since 09.09.2019 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 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**