

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8342 of 2019**

- Chintaram Puraina S/o. Late Bhulauram Puraina Aged About 23 Years R/o. Kunda (Tekari), P.S.- Mandir Hasaud, District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Police Station- Mandir Hasaud, Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri N. Naha Roy, Advocate
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****06/02/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.397/2019, registered at Police Station - Mandir Hasaud, Raipur (C.G.) for the offence punishable under Sections 363, 366, 376, 34 IPC and Sections 3 & 4 of POCSO Act, 2012.
2. The allegation against the applicant is that on 26.08.2019, when the prosecutrix was going to school, near Tekari village, the applicant came along with his friend Raj Kumar and took the prosecutrix along with him saying that he loves her very much and wants to marry and committed sexual intercourse with her on the pretext of marriage. Based on this, offence has been registered. The present applicant has been taken into custody on 29.09.2019.
3. Learned counsel for the applicants submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there was love affair between the prosecutrix and the present applicant, and the prosecutrix

accompanied the applicant of her own. He also submits that the prosecutrix, in her 164 CrPC statement, has admitted the fact that she has performed marriage with the applicant. He further added that the applicant is in custody since 29.09.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.

4. On the other hand, learned counsel for the State opposed the bail application. Learned counsel submits that the prosecutrix is minor.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, nature of offence and further considering the fact that the prosecutrix is above 16 years of age, the applicant is in custody since 29.09.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on his executing a personal bond for a sum of Rs.50,000/- with one solvent surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court as and when directed.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge