

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8215 of 2019**

- Loknath Maheshwari S/o Bhuru Maheshwari, Aged About 23 Years
R/o Village Gujra, Police Station Mandir Hasaud, District - Raipur
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Mandir Hasaud, District Raipur Chhattisgarh.

---- Respondent

For Applicant.	:	Ms. Sunita Sahu, Advocate.
For Respondent/State	:	Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04.02.2020**

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. 320/2019 registered at Police Station - Mandir Hasaud, District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 8 of POCSO Act.
2. The prosecution story in brief is that, a missing report of the prosecutrix was lodged by her father/complainant before the concerned police station. After completion of investigation, prosecutrix was recovered from the possession of applicant. The allegation against the present applicant is that after enticing the prosecutrix he took her away with him and established physical relations with her. Based on that 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. She next submits that prosecutrix herself went with the applicant. They have solemnized marriage in Arya Samaj Raipur and residing happily as husband and wife, copy of the affidavit and marriage certificate has been annexed herewith. Applicant is in jail since 24.11.2019 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.
4. Per contra, State counsel 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, marriage certificate and affidavit produced by the counsel for applicant, age of the prosecutrix and further considering that the applicant is in jail since 24.11.2019 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 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