

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8209 of 2019**

- Ram Swarup Rajwade, S/o Pawan Kumar Rajwade, Aged About 24 Years, R/o Village Kanki Gudipara (wrongly mentioned as Kankimudipara in the order sheet), Police Station- Uрга, District-Korba, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through: Police Station- Ajak, District-Korba, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Aditi Singhvi, Adv.
For Respondent/State	: Mr. Anil Tripathi, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.02.2020**

1. 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. 5/2019 registered at Police Station- Ajak, District- Korba, (C.G.) for the offence punishable under Sections 376 of IPC, 6 of POCSO Act, 2012 and 3 (2) (v) of the SC and ST (Prevention of Atrocities) Act, 1989.
2. The prosecution story, in brief is that, prosecutrix lodged a report alleging that on the pretext of marriage, the present applicant committed forcible sexual intercourse with her, as a result of which she became pregnant and has given birth to a child. Thereafter, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in

question. She further submits that the prosecutrix has not supported the prosecution case before the trial Court. The applicant is in jail since 08.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State 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, and further considering the facts that the prosecutrix has not supported the prosecution case before the trial Court. The applicant is in jail since 08.07.2019 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 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**