

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8252 of 2019**

- Deepak Giri, S/o Jagdish Giri, Aged About 24 Years, R/o Kakna, Police Chowki Bariya, P.S.- Rajpur, District- Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station- Shankargarh, District- Ramanjgarh- Balrampur Chhattisgarh.

---- Respondent

For Applicant	: Ms. Sangeeta Soni, Adv.
For Respondent/State	: Mr. V. K. Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****14.02.2020**

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. 113/2019 registered at Police Station- Shankargarh, District- Ramanjgarh- Balrampur (C.G.) for the offence punishable under Sections 363, 365, 115, 376 (2) (a) of I.P.C. and Section 3/4, 5/6 of POCSO Act, 2012 and Section 3 (2-V) of the Scheduled Tribes (Prevention of Atrocities) Act.
2. The prosecution story, in brief is that, the father of the prosecutrix lodged a missing report of his daughter. On investigation, prosecutrix has been recovered and she narrated that applicant has committed sexual intercourse with her on the pretext of marriage. Thereafter, offence has been registered against the present applicant and has been arrested.
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 on 09.07.2019, the prosecutrix has

solemnized marriage with the applicant in the court. The applicant is in jail since 27.09.2019, 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 age of the prosecutrix is above 17 years. The applicant is in jail since 27.09.2019 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.
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**