

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8244 of 2019**

- Gyandas Satnami S/o Awadhram Satnami, aged about 21 years, R/o village Nagpura, Police Station Pulgoan, District Durg (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police of Police Station Pulgoan, District Durg (C.G.)

---- Respondent

For Applicant	:	Shri Tarun Dadsena, Advocate
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****16/01/2020**

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.202/2019, registered at Police Station – Pulgoan, District Durg (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Section 6 of POCSO Act, 2012.
2. The prosecution story, in brief, is that on 17.04.2019, the applicant, after alluring the prosecutrix, took her along with him to Raipur, Giroudpuri and then to his house at Nagpura where he committed repeated sexual intercourse with her on the pretext of marriage as a result of which she became pregnant. During investigation, the prosecutrix recovered from the applicant and her statement was recorded. Based on this, offence has been registered. The present applicant has been taken into custody on 11.11.2019.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the prosecutrix is 18 years of age and she accompanied the applicant of her own. He also submits that the prosecutrix has performed marriage with the applicant and she is residing with him as his wife. He also submits that the applicant is in custody since 11.11.2019, 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. He submits that the prosecutrix is below the age of 18.
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, quality of evidence and further considering the fact that the applicant is in custody since 11.11.2019, charge sheet has been filed 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.25,000/- 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