

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8414 of 2019**

- Tarun Patel S/o Ram Shankar Patel Aged About 21 Years R/o Village Siladehi (Bhatapra), Police Station Birra, District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Birra, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Ravindra Sharma, Advocate.
For Respondent/State	:	Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07.02.2020**

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. 58/2019 registered at Police Station – Birra, District Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366 376 of IPC and Section 6 of POCSO Act.
2. The allegation against the present applicant, as per the written reported made by prosecutrix, the present applicant enticed her and took her Brij Nagar with him where he committed sexual intercourse with her and further continuously & repeatedly did the same till 4 months and thereafter, he ousted her from his house. 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. Learned counsel for the applicant submits some documents which shows that the applicant and husband are legally wedded wife. He next submits that prosecutrix is a major girl aged above 17 years and there was love affair between the prosecutrix and applicant. He also submits that applicant was residing with the applicant since 25.01.2019 to 05.06.2019 and during this period she has not made any complaint against the applicant. Applicant is in jail since 15.11.2019 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, age of the prosecutrix and further considering that the applicant is in jail since 15.11.2019 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**