

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8434 of 2019**

- Ritesh Gupta S/o Shri Shambhu Gupta Aged About 22 Years R/o Vijeta Complex, Police Station New Rajendra Nagar, Raipur, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station New Rajendra Nagar, Raipur, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Roop Naik, Advocate.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, 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. 182/2019 (wrongly mentioned as 144/2019 in the order impugned) registered at Police Station - New Rajenda Nagar, Raipur, District Raipur (C.G.) for the offence punishable under Section 376 of IPC and Sections 4 & 6 of POCSO Act.
2. The prosecution story in brief is that the applicant has committed sexual intercourse with the prosecutrix on 01.09.2015 and thereafter, continuously and repeatedly committed the same offence on the pretext of marriage. After that, he refused to marry with the prosecutrix and on his refusal on 10.05.2019 and FIR was lodged against him under the alleged sections 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. He next submits that prosecutrix is above 17 years of age and she was a consenting party. Applicant is in jail since 10.05.2019 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 10.05.2019 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