

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8344 of 2019**

- Rajkumar Nai, S/o Balmukund Nai, Aged About 22 Years, R/o Village Thadhpathar, Police Station- Chandani, District- Surajpur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through: Station House Officer, Police of Police Station- Chandani, District- Surajpur Chhattisgarh.

---- Respondent

For Applicant

: Mr. Anil Gulati, Adv.

For Respondent/State

: Mr. Vinod Kumar Tekam, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****28.01.2020**

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. 14/2019 registered at Police Station- Chandani, District- Surajpur, (C.G.) for the offence punishable under Sections 363 r/w 34, 366 (क) r/w 34, 376 (घ), 376 (3), 366 r/w 34, 376 (घ) of IPC and Section 6 of POCSO Act.
2. The prosecution story, in brief is that, it is alleged against the applicant is that the applicant took the victim and her aunt in his motorcycle for the purpose of work of labour and the victim and her aunt refused to perform the work of labour thereafter applicant took them on motorcycle to village Thadhpathar and thereafter they again went to Baithan along with applicant and the applicant called the other co-accused then the applicant committed forcible sexual intercourse with the victim. 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. He further submits that victims (P.W. 2 and P.W. 3) have not supported the prosecution case before the trial Court and turned hostile. The applicant is in jail since 19.03.2019, 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 victims (P.W. 2 and P.W. 3) have not supported the prosecution case before the trial Court and turned hostile. The applicant is in jail since 19.03.2019, 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**