

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8389 of 2019**

- Yash @ Yogesh Manikpuri S/o Mahendra Manikpuri Aged About 19 Years R/o Jagmal Chouk Sendri Ice Factory, Distt. Korba, Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh, Through : Police Station Kotwali, Distt. Korba, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Samir Singh, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/03/2020**

1. None for the complainant/informant, though notice has been served.
2. 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. 631/2019 registered at Police Station Kotwali, District-Korba (C.G.) for the offence punishable under Sections 363, 366-A, 376 of IPC and 4 of POCSO Act.
3. The prosecution story, in brief is that, on 13.10.2019 the mother of the prosecutrix lodged a report with the averment that her daughter was told her that the present applicant has seduced her and committed sexual intercourse with the prosecutrix. Based on this offence has been registered against the present applicant.
4. 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 the prosecutrix in her 164

statement, stated nothing incriminating against the applicant. He next submits that the applicant is in jail since 14.10.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the prosecutrix in her 164 statement has not stated about rape. The applicant is in jail since 14.10.2019, 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.
8. 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**