

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8396 of 2019**

- Balram Nishad S/o Raju Nishad, Aged About 18 Years R/o Kanimera, Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Chhuikhadan, District Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant	:	Shri Abhishek Sharma, Advocate
For Respondent	:	Shri V.K. Agrawal, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****07/02/2020**

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.310/2019, registered at Police Station - Chhuikhadan, District Rajnandgaon (C.G.) for the offence punishable under Sections 376 IPC and Sections 4, 8, 5, J (ii) of POCSO Act, 2012.
2. The Prosecution story, in brief, is that on 30.04.2019, the prosecutrix made a written report in police station Chhuikhadan alleging therein that the applicant has been committing sexual intercourse with the prosecutrix since 2019 on the false pretext of marriage and due to this she became pregnant. Based on this, offence has been registered. The present applicant has been taken into custody on 04.12.2019.
3. Learned counsel for the applicants submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that the prosecutrix is a consenting party to the act of the applicant and they are living together happily, but due to some dispute this false report has been lodged against the applicant. He also submits that the prosecutrix is more than 18 years and no primary evidence produced by the prosecution that prosecutrix is less than 18 years. He further added that the applicant is in custody since 04.12.2019 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. Learned counsel submits that the prosecutrix is above 16 year of age.
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 prosecutrix is above 16 years of age, the applicant is in custody since 04.12.2019 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, till the final disposa of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge