

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 05 of 2020**

Rajesh Kumar Sarthi, S/o Sharad Sarthi, aged 23 years, R/o Vill. Lodhiya P.S. - Pussour, Taluka Pussor – District – Raigarh (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through Police Station – Pussour, Distt. Raigarh (C.G.)

----Respondent.

For Applicant : Mr. Sanjay Agrawal, Advocate.
For Non-applicant/State : Mr. Akhtar Hussain, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

11/02/2020

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 55/2019 registered at police Station Pussore, Distt. Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376(2)(n), 506(B) of the Indian Penal Code and Section 6 of POCSO Act, 2012.

(2) Case of the prosecution, in brief, is that applicant was having love affair with the prosecutrix and he has taken from her lawful guardianship and, thereafter, he has committed sexual intercourse with the prosecutrix, who is more than 17 years of age, and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the offence in question as there is no evidence available on record to connect the applicant with the crime in question. He further submit that applicant is in detention since 15.05.2019;

charge sheet has already been filed and the trial is likely to take some time for its final disposal and, therefore, the applicant be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; particularly the facts applicant is in detention since 15.05.2019; charge sheet has already been filed; trial is likely to take some time for its final disposal and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

