

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 55 of 2020**

- Suraj Gadewal @ Chhotu, S/o Shri Ashok Gadewal, Aged about 18 Years, R/o Behind M/s Laxmi Marbal Stones Factory, Gadewal Plot, Tifra, Police Station- Sakari, District- Bilaspur, Civil & Revenue District- Bilaspur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh, Through Police Station- Sirgitti, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Manoj Kumar Sinha, Adv.
For Respondent/State	: Mr. V. K. Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.02.2020**

1. Pursuant to the order dated 08.01.2020 of this Court, informant/ complainant namely Virendra Kumar Sahu along with her daughter is present today. On being asked, he has not made any objection regarding grant of bail to the applicant.
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. 395/2019 registered at Police Station- Sirgitti, District- Bilaspur, (C.G.) for the offence punishable under Sections 363, 366, 376, 34 of I.P.C. and Section 5 (ठ), 6 of POCSO Act.
3. The prosecution story, in brief is that, on 10.11.2019, the complainant lodged a missing report of her daughter. On investigation, prosecutrix recovered from the house of the accused namely Prince @ Badal @ Vijay Kumar. Thereafter, 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 present applicant is not a main accused. The applicant is in jail since 14.11.2019, 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, and further considering the facts that the present applicant is not a main accused. The applicant is in jail since 14.11.2019 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**