

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8475 of 2019**

- Amit Kenwat S/o Shri Suresh Kenwat Aged About 27 Years R/o Village Okhar, Police Station Pachpedi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Navin Shukla, Advocate.
For Respondent/State	:	Mr. Vaibhav K. Agrawal, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24.02.2020**

1. Pursuant to the order dated 07.02.2020, prosecutrix was present today before this Court. On being asked she made no objection regarding the bail of the applicant.
2. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 94/2019 registered at Police Station - Sirgitti, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the POCSO Act.
3. The prosecution story in nutshell is that on the pretext of marriage, applicant established physical relationship with the minor prosecutrix due to which prosecutrix got pregnant which led to the birth of a child. Thereafter, prosecutrix was recovered from the possession of applicant. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there was love between the parties and they were living as husband and wife together. He next submits that the prosecutrix is ready to live with the applicant and she made no objection regarding the bail of the applicant. As applicant is in jail since 25.11.2019 and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.
5. Per contra, State counsel 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, age of the prosecutrix and further considering the fact that the prosecutrix herself made no objection regarding the bail of the applicant, as the applicant is in jail since 25.11.2019 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 surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge