

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 83 of 2020**

- Sudarshan Jaiswal S/o Jawahar Lal Jaiswal Aged About 30 Years, R/o Village Keshari Police Station Raghunathnagar, District Balrampur Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh, Through : Anusuchit Jati Kalyan Thana, Police Station Balrampur District Balrampur Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. A. K. Prasad, Adv.
For Respondent/State	:	Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****04/02/2020**

1. 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. 11/2019 registered at Police Station-Anusuchit Jati Kalyan Thana, P.S.- Balrampur, District - Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 363, 366, 376/34 of the IPC, 3(2)(V) of the SC & ST (Prevention of Atrocities) Act and 4, 6 of POCSO Act.
2. The brief facts of the prosecution, is that, co-accused Mahbob @ Sonu abducted the prosecutrix on 23.04.2019 and was taken to Uttar Pradesh where both the person were residing as husband and wife. Subsequently, when the prosecutrix and co-accused Sonu returned to the village in the market she was identified by her family members where prosecutrix was handed over the Kotwar of the village. It is also alleged that when the Kotwar was taking the prosecutrix to her house the present applicant and another co-accused Premchand

helped the prosecutrix, due to which she fled away. Based on this, offence has been registered against the present applicant.

3. 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 main allegation is against the other co-accused person and the applicant is in jail since 09.10.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. 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 main allegation is against the other co-accused person. The present applicant is in jail since 09.10.2019 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.
7. 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**