

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 131 of 2020**

- Yogesh Baghel, S/o Ajeet Baghel, Aged About 19 Years, R/o Village Bhinjpur, Police Station- Duldula, District- Jashpur, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through: Station House Officer, Police Station- Duldula, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Sukhnath Sai Painkra, Adv.
For Respondent/State	: Mr. B. L. Sahu, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.02.2020**

1. Pursuant to the order dated 09.01.2020 of this Court, informant/ complainant namely Shri Santosh Bhagat (father of the prosecutrix) is present today. On being asked, he has not made his 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. 66/2019 registered at Police Station- Duldula, District- Jashpur, (C.G.) for the offence punishable under Sections 376 (a), 313 of IPC & Section 4, 6 of POCSO Act, 2012.
3. The prosecution story, in brief is that, the applicant has committed sexual intercourse with the prosecutrix, as a result of which, she has become pregnant and the applicant gave her a tablet of miscarriage of pregnancy. 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 mother of the prosecutrix and prosecutrix herself have not supported the prosecution case before the trial Court and turned hostile. The applicant is in jail since 04.10.2019, 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 mother of the prosecutrix and prosecutrix herself have not supported the prosecution case before the trial Court and turned hostile. The applicant is in jail since 04.10.2019 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.
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**