

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8528 of 2019**

- Hemant @ Mantu Rathore S/o Dau Lal Rathore Aged About 21 Years R/o Village Ghaghara, Police Station Kharsiya, Talluka Kharsiya, District Raigarh, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Police Station Kharsiya, District Raigarh, Chhattisgarh

---- Respondent

For Applicants	: Shri Sanjay Agrawal, Advocate.
For Respondent/State	: Shri Wasim Miyan, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

14.02.2020

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No. 115/2019, registered at Police Station Kharsiya, District - Raigarh (C.G.) for the offence punishable under Sections 376(2)(h), 376(2)(i), 376(2)(n), 506(b) and 34 of the IPC and Section 4 & 6 of the POCSO Act.
2. As per the prosecution story, the applicant and other co-accused inducing the prosecutrix who is a minor girl and committed rape on her. On the basis of this, FIR has been registered against the applicant and he has been arrested.
3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. He further submits that charge-sheet has already been filed and the applicant is in custody and trial will likely to take some more time.

It has been further argued that the prosecutrix is not below the age of 18 years and there is no evidence against the present applicant.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case and further considering the fact that the prosecutrix is more than 17 years and the DNA test report does not support the case of the prosecution, charge sheet has been filed, therefore, without further commenting on merits of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Rajani Dubey)
Judge