

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8792 of 2022**

Devprasad Kachlame S/o Mangalsingh Kachlame Aged About 32 Years R/o Village - Kaudikasa, Police Station - Ambagarh Chowki, District - Rajnandgaon, Chhattisgarh

---- Applicant

Versus

The State Of Chhattisgarh Through The Police Station Ambagarh Chowki, District Rajnandgaon, Chhattisgarh

---Respondent

For Applicant	-	Shri Kalpesh Ruparel, Advocate
For State	-	Shri Amit Verma, PL

Order on Board by Hon'ble Shri Justice Sachin Singh Rajput

02/02/2023

This **first** application under Section 439 of the Code of Criminal Procedure has been filed by the applicant who is in custody in connection with Crime No. 169/2022 registered at Police Station – Ambagarh Chowki, District Rajnandgaon, CG for the offence punishable under Sections 376(2) (n) IPC and sections 4,6,12 and 14 of the POCSO Act and Sections 66 (E), 67, 67-, 67-B and 67-C of the Information Technology Act, 2000.

2. Case of the prosecution in short is that the applicant committed rape upon prosecutrix aged about 16 years and 27 days frequently and after that prepared a video and threatened her to make it viral, and thus committed the aforesaid offences.

3. Counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He submits that statement of the prosecutrix has been recorded but she has not supported the case of the prosecution. He submits that the investigation has been completed, that the charge sheet has been filed, that the applicant is in jail since 17.06.2022, and

that the trial may take some time for conclusion, therefore, he may be released on bail.

4. State counsel opposes the application for bail and submits that looking to the offence alleged, the applicant is not entitled for bail.

5. Considering the rival submissions made on behalf of the parties, the facts and circumstances of the case, the material collected by the prosecution, that the prosecutrix has not supported the case of the prosecution, that the applicant is in jail since 17.06.2022, and that the trial may take some time for conclusion, without commenting on merits of the case, this Court is of the opinion that it is a fit case to release the applicant on bail. Accordingly, the application is **allowed** and the applicant is directed to be released on bail on his furnishing a bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before that Court as and when so directed.

Sd/-

(Sachin Singh Rajput)
Judge