

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.1585 of 2017

- Prakash Deshmukh S/o Santuram Deshmukh, Aged About 30 Years R/o Korguda, Police Station Balod, District Balod Chhattisgarh

---- **Petitioner**

Versus

- State Of Chhattisgarh Through Police Station District Durg, Chhattisgarh

---- **Respondent**

For Petitioners	:	Shri N. S. Dhurandhar, Advocate
For Respondent/State	:	Shri Aditya Sharma, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

15/03/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.424/2016 registered at Police Station Balod, District Balod for the offence punishable under Section 363, 366, 376, 306/34 of IPC and Section 5(L)/6 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicant submits that in so far as the present applicant is concerned, even according to the prosecution story and the material collected by the prosecution, no case for commission of alleged offence is made out against the applicant. He submits that even according to the prosecution, the prosecutrix had an affair with the accused-Chetan and only allegation against the present applicant is that the prosecutrix was seen along with the applicant on a motorcycle in the village. It is lastly submitted that in this case, investigation is complete, charge sheet has been filed and in these circumstances, when the applicant is not likely to abscond or tamper with the prosecution witnesses, the applicant may be granted bail.

4. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that even though, the prosecutrix/deceased had an affair with the accused-Chetan but the applicant is also involved in this case because according to prosecution, the applicant was facilitating the prosecutrix to meet with the main accused-Chetan.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature and extent of allegation, material available against the applicant and further that the investigation is complete, charge sheet has been filed and the applicant is not in a position to abscond or tamper with the prosecution witnesses, the application is allowed.

6. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.20,000/- along with one local surety of the like amount to the satisfaction of the trial Court. He shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(Manindra Mohan Shrivastava)

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