

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4561 of 2018

- C.K. Durjaya @ Doctor @ Deepak S/o Labha Chhura Aged About 25 Years R/o- Bhursaguda, Police Station- Sindekala, District- Balangir (Odisha) At Present Resident Of Jagrity Nagar, House Of Norsing Tandi, Police Station- Khamtarai, Raipur, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Khamtarai, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicants	: Mr. Aditya Khare, Advocate
For State/respondent	: Mrs. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

17/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.86/2018, registered at Police Station-Khamtarai, District-Raipur(C.G.) for the offence punishable under Sections 363, 366, 376, 376(2)(^३)of the

Indian Penal Code and Section 5(अ)(2)(ब)(घ) of the Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is in jail since 17.02.2018. No case is made out against him. The age of prosecutrix is above 18 years and she was a consenting party, hence, it is prayed that he may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail applications and the submission made in this respect. It is submitted that age of prosecutrix on the date of incident was about 16 years, hence, no case is made out for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The allegation against this applicant is this, that he allured the minor prosecutrix with promise to marry her and then he established physical relation with her on number of occasions because of which she became pregnant and thereafter he had left. Hence, this case.
6. After considering on all the material present in the case diary and also perused the statement of prosecutrix recorded under Section 164 of CrPC, after due consideration, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
7. Accordingly, the bail applications filed under Section 439 of the Cr.P.C. are allowed. It is directed that applicants shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one

surety in the like sum to the satisfaction of the concerned trial Court,
for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha