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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6345 of 2018

- Dagesh Nirala @ D.K. S/o Shri Billu Ram Nirala Aged About 21 Years R/o- Mindola, Police Station Kasdol, District- Baloda Bazar, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

----Applicant

Versus

- State Of Chhattisgarh Through- Police Station House Officer, P.S. Vidhan Sabha, Raipur, Civil And Revenue, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Applicant : Shri Santosh Kumar Sahu, Advocate
For Respondent /State : Shri Neeraj Mehta, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

26/09/2018

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 127/2018 registered at police station Vidhan Sabha, Raipur (CG) for the offence punishable under Sections 363,366 and 376 (2) (g) IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act.

As per case of the prosecution, the applicant has abducted the prosecutrix on the pretext of marriage, took her to Bhatapara and committed sexual intercourse with her.

Counsel for the applicant submits that the prosecutrix has turned hostile and has not supported the prosecution case. He submits that the applicant is in jail since 21.4.18 and the trial may take some time for its

disposal and therefore he be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 20,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge

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