

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4493 of 2019**

- Prakash Ramteke, son of Raghuvir Ramteke, aged about 26 years, resident of village Demar, Police Station Arjuni, District Dhamtari (C.G.) at present resident of Ward No.09, Rathore Gali, Rajnandgaon Chowki Chikhali, P.S. Kotwali, District Rajnandgaon (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Kotwali, Civil and Revenue District Rajnandgaon (C.G.)

---- Respondent

For Applicant	:	Shri S.S. Baghel, Advocate
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****23/10/2019**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.185/2019, registered at Police Station – Kotwali, Civil and Revenue District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376 (2) of IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. The prosecution story, in brief, is that the prosecutrix lodged a report alleging therein that the applicant committed forcible sexual intercourse with the prosecutrix. On the basis of said report, offence has been registered. Present applicant

has been taken into custody on 11.05.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the prosecutrix is a major and she accompanied the applicant of her own and in her Court statement she has not deposed anything against the applicant and turned hostile. He also submits that the applicant is in custody since 11.05.2019, charge sheet has not been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the facts and circumstances of the case, and further considering the fact that the prosecutrix turned hostile, the applicant is in custody since 11.05.2019 and the trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one solvent 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