

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5282 of 2019**

- Rajkumar S/o Sudin Harijan, aged about 22 years, R/o Devshil, Police Station Kotadol, District Koriya (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, Police Station Sonhat, District Koriya (C.G.)

---- Respondent

For Applicant	:	Shri Anil Gulati, Advocate
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****22/10/2019**

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.61/2019, registered at Police Station - Sonhat, District Koriya (C.G.) for the offence punishable under Sections 363, 366, 376 r/w section 34 IPC and Section 4 of Protection of Children from Sexual Offences Act.
2. The prosecution story, in brief, is that missing report was lodged by father of the victim alleging therein that in the night intervening 14-15/04/2019, when his wife woke up to answer the call of nature, she saw that the victim was not in the house. During investigation, it revealed that the present applicant along with co-accused Shiv Kumar kidnapped the victim and committed forcibly sexual intercourse with her. On

the basis of said report, offence has been registered. Present applicant has been taken into custody on 27.04.2019.

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 present applicant, after dropping the prosecutrix, came to his house and the real culprit is co-accused Shiv Kumar. He also submits that the applicant is in custody since 27.04.2019, 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, quality of evidence and further considering the fact that the applicant is in custody since 27.04.2019 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