

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5315 of 2019**

- Ashok Nageshiya @ Lohra, S/o Geda, aged about 20 years, R/o Gammardih, P.S. - Shankargarh, District Balrampur - Ramanujganj (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station - Kusmi, District Balrampur - Ramanujganj (C.G.)

---- Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate
For Respondent	:	Ms. Reena Singh, 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.05/2019, registered at Police Station - Kusmi (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (n) of IPC, Sections 5(1) and 6 of Protection of Children from Sexual Offences Act.
2. The prosecution story, in brief, is that the prosecutrix lodged a report alleging therein that the applicant allured her and took her along with him on the pretext of marriage to Goverdhanpur at Ambikapur, where they resided as husband and wife in a rented house and committed sexual intercourse many times. On the basis of said report, offence has been registered. Present applicant has been taken into custody on

07.01.2019.

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 07.01.2019, charge sheet has 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 07.01.2019 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