

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5544 of 2019**

- Sanjay Kaushik S/o Makhan Kaushik Aged About 24 Years, R/o Village Gonchiya, Police Station Kawardha, District Kabirdham Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Kawardha, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vijay Kumar Sahu, Adv.
For Respondent/State	: Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 282/2019 registered at Police Station Kawardha, District-Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 3 & 4 of Protection of Children from sexual offences Act.
2. The prosecution story, in brief is that, prosecutrix left her home without consent of her parents and she went to house of the applicant and after investigation it is found that present applicant abducted prosecutrix and took her to his home and established illegal sexual relationship with her, thereafter, she was recovered from the house of the applicant. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecutrix in her 164 CRPC statement

herself stated that they are in love affair with each other therefore with her own consent she went with the applicant. The applicant is in jail since 17.06.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the facts that the prosecutrix in her 164 CRPC statement herself stated that they are in love affair with each other therefore with her own consent she went with the applicant. The present applicant is in jail since 17.06.2019 and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**