

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5489 of 2019**

- Raghu Prasad S/o Chandu Das Miraj Aged About 19 Years, R/o Barhatti, Police Station Kawardha, District Kabirdham, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station Kawardha, Civil And Revenue District Kabirdham, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sudhir Verma, Advocate.
For Respondent/State	: Smt. Reena Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/10/2019

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 289/2019, registered at Police Station – Kawardha, District- Kabirdham, (C.G.) for the offence punishable under Sections 363, 366, 376 and 368/34 of IPC and Sections 4 and 6 of Protection of Children From Sexual Offence Act, 2012.
2. In this case, there are five accused persons, one of which is juvenile. At the relevant time, the prosecutrix was aged about 15 years old. As per the prosecution story, on 20.06.2019, the father of the prosecutrix lodged a report alleging in it that his daughter is missing. Initially offence under Sections 363 and 366 of IPC was registered. During the course of investigation, the prosecutrix recovered on 22.07.2019. On the basis of her statement, other offences have been added. Allegation against present applicant is that he assisted the main accused/co-accused namely, Tek Singh who actually abducted and committed sexual intercourse with the prosecutrix.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that the only allegation against the present applicant is that he assisted the main accused. He is in custody since 23.07.2019, 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. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence adduced by the prosecution and further considering the fact that the present applicant is in custody since 23.07.2019 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. 20,000/- 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/-
(Arvind Singh Chandel)
Judge