

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5509 of 2019**

- Dulare Prakash Vishwakarma S/o Late Ramkumar Vishwakarma Aged About 24 Years R/o Karbala Chowk, Kundrubadi, Juna Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through The S H O, Police Station City Kotwali, Bilaspur, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	:	Shri Vivek Shrivastava, Advocate.
For Respondent	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****05/11/2019**

1. The applicant has preferred this first bail application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No.74/2019 registered at Police Station City Kotwali, Bilaspur (CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Sections 4, 5, 6 and 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the case of prosecution on 14.3.2019 at about 12.00 O'Clock when the prosecutrix aged about 17 years, was going to School, the present applicant taken

away her to his friend's house at Odisha and committed sexual intercourse with her for so many days. On report, the prosecutrix was recovered from the possession of the applicant.

3. Learned counsel for the applicant submits that the applicant is innocent and he has been falsely implicated in the present case. He further submits that the prosecutrix and the applicant were in love affair and she herself had left the house and gone with the applicant. He submits that the applicant is in custody since 12.5.2019 and trial will likely to take some time, therefore, the 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 both the parties.
6. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and the prosecutrix is aged about 17 years, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on executing a personal bond in sum of Rs.25,000/- with

one surety in like sum to the satisfaction of the trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

9. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge

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