

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 5759 of 2019**

- Bablu @ Krishna Kushawaha S/o - Shri Gulab Kushawaha Aged About 21 Years R/o - Pendari Tanwaripara, Police Outpost - Wadrafnagar, Police Station Basantpur, District Balrampur-Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Aadim Jati Kalyan Balrampur, District Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:	Shri Jitendra Shrivastava, Advocate.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****07/11/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 88/2019 registered at Police Station - Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 376, 342, 323, 506, 450 of IPC, Section 4 of Protection of Children from Sexual Offences Act 2012 and Section 3(2)(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989.
- The prosecution story in brief is that the prosecutrix had gone to the house of her maternal uncle namely Sumer. At the same time, the applicant came there and started talking with the prosecutrix. In between, taking the advantage of opportunity, the applicant committed sexual intercourse on the pretext of marriage with the prosecutrix. On the basis of

above facts, offence has been registered against the applicant and the applicant was arrested 21.05.2019.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. Charge-sheet has already been filed. He further submits that the age of the prosecutrix was 17 years 10 months at the time of incident and the prosecutrix in her statement has not supported the prosecution and turned hostile. The applicant is jail since 21.05.2019, there is no previous antecedent against him, therefore, the present appellant may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix, detention period of the applicant and further considering the fact that the prosecutrix in her statement has not supported the prosecution and turned hostile 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.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge