

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5681 of 2019

- Umashankar Sarthi S/o - Paklu Sarthi Aged About 22 Years R/o - Village Kashibahara, Thana Komakhan, Tahsil Bagbahara, District Mahasamund Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Komakhan, District Mahasamund Chhattisgarh

---- Respondent

For Applicant	: Shri Vikas Pradhan, Advocate
For Respondent/State	: Shri Anil Tripathi, PL
For Complainant/Objector	: None present though served.

?Hon'ble Smt. Justice Rajani Dubey

Order On Board

28/11/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.50/2019 registered at police station Komakhan, District Mahasamund (CG) for the offence punishable under Sections 363,366 and 376 IPC and Sections 4 & 6 of the Protection of Children from sexual Offences Act.

As per prosecution case, on 21.05.19, report was lodged at police station Komakhan by mother of the prosecutrix alleging that the applicant committed sexual intercourse with her daughter on the pretext of marriage.

Counsel for the applicant submits that the applicant has been

falsely implicated in the crime in question. He submits that the offence as alleged against the applicant is not made out and that in the statement recorded before the trial court, she has turned hostile. He submits that the applicant is in jail since 06.05.19 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore he may be released on bail.

None appeared on behalf of the complainant though notice has been served.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge