

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.5612 of 2019**

- Digamber Diwaker S/o Shri Ramkishun diwaker, aged about 28 years R/o Village Pachari, Thana- Sheorinarayan, Civil & Revenue District Janjgir Champa (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Station House Officer, P.S. Nawagarh, Civil and Revenue District Janjgir Champa (C.G.).

---- Respondent

For Applicant	:	Shri Sunil Sahu, Advocate.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/11/2019**

- 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. 95/2018 registered at Police Station – Nawagarh, District Janjgir champa (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act 2012.
- The prosecution story in brief is that, on 19.05.2018, complainant/Father of Prosecutrix namely Dhanpat Satnami lodged the report at Police Station Nawagarh against the unknown persons alleging that on 16.05.2018, his daughter went to Gramin Bank through her bicycle but could not return. Thereafter, the complainant searched his daughter and he came to know that his daughter went with the applicant in his

motor cycle and when she returned, she gave a statement alleging that co-accused namely Kartikeshwar had taken her to Pune and committed sexual intercourse with her. Thereafter, offence has been registered against the applicant and other co-accused.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the present applicant is not main accused and he has not committed any crime. The applicant is in jail since 04.07.2018, 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, detention period of the applicant 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