

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5625 of 2019**

- Prem Thakur S/o Sahdev Thakur Aged About 26 Years, R/o Village - Birigpal, Thana - Parpa, Tehsil - Jagdalpur, District Bastar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Kotwali, Jagdalpur, Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Ms. Supriya Upasane, Adv.
For Respondent/State	: Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****11.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 421/2018 registered at Police Station Kotwali-Jagdalpur, District-Bastar (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 4 of the Protection of Children from Sexual Offences Act.
2. The prosecution story, in brief is that, on 29.10.2018 the applicant eloped with the prosecutrix on the pretext of marriage with her and thereafter committed sexual intercourse with her. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecutrix is a major girl, who was having love affair with the applicant and when the parents of prosecutrix came to know about their love affair, they got lodged a false report against the applicant. The applicant is in jail since

25.06.2019, there is no likelihood of his case being decided in near future, therefore, the present 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 the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the fact that the age of the prosecutrix is more than 16 years, the applicant is in jail since 25.06.2019 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**