

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5776 of 2019

- Mohan Giri S/o Late Chandra Giri Aged About 20 Years R/o Devarsur, Police Station Mohla, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Mohla, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant : Shri Aditya Bhardwaj, Advocate

For Respondent/State : Shri Anil Tripathi, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

07.11.2019

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.77/2019, registered at Police Station Mohla, District Rajnandgaon(CG) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (a) of the Scheduled Castes and Scheduled Tribes(Prevention of Atrocities Act) .
3. As per the case of prosecution, the applicant on the false pretext of marriage took the prosecutrix, who is aged about 18 years and belongs to Scheduled Tribe, to Wani (Maharashtra State) and committed sexual intercourse with her.

4. Learned counsel for the applicant submits that the applicant has not committed any offence. He submits that the prosecutrix is aged about 18 years and she herself had gone with the applicant. He further submits that the other co-accused persons have already been released on bail by this Court vide order dated 31.7.2019 passed in MCRC No.4017/2019. He submits that the applicant is in jail since 25.5.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, particularly considering the nature of allegations against the applicant and the co-accused persons have already been released on bail, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety of the like amount to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE