

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5732 of 2019

- Shambhu Vishwakarma S/o Keshavram Aged About 38 Years R/o Lamna, Police Station Pendra, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pendra, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

 For Applicant : Shri Anurag Khatri, Advocate
 For Respondent/State : Shri Anil Tripathi, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

18.11.2019

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.140/2019, registered at Police Station Pendra, District Bilaspur(CG) for the offence punishable under Sections 363, 376 of the IPC and Section 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, father of the prosecutrix lodged a report that the applicant allured his daughter and taken her away from lawful guardianship and committed rape on her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix is a consenting party. He further submits that the prosecutrix is aged more than 17 years and the applicant is in jail since

11.8.2019 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, in particular the nature of allegations against the applicant and the prosecutrix is aged above 17 years of age and that the applicant is in jail since 11.8.2019, 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 in like sum 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