

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5836 of 2019

- Arun Kumar Lahrey S/o Vyas Narayan Lahrey Aged About 24 Years R/o Village Kachanda, Police Station Nagarda, Tahsil Sakti, District (Revenue And Civil) Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Nagarda, District (Revenue And Civil) Janjgir Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anand Kesarwani, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

12/12/2019

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.77/2019 registered at police station Nagarda, District Janjgir-Champa (CG) for the offence punishable under Sections 363, 366 and 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

As per prosecution case, report was lodged by father of the prosecutrix alleging that her daughter was missing. Thereafter, the prosecutrix was recovered from the custody of the applicant with whom she eloped and they performed marriage at Jammu and Kashmir.

Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated. He submits that the applicant is in jail since 04.06.19; the charge sheet has been filed; the offence is triable by magistrate and the trial will take time for final disposal and therefore he may be released on bail.

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

Prosecutrix is present today along with her father and brother-in-law and stated that they have no objection if the applicant is released on bail.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant and the fact that the prosecutrix and her father has no objection, I am inclined to release him on 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 of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge