

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5823 of 2019

- Saurabh Kumar S/o Ashok Kumar Gupta Aged About 20 Years R/o Ward No. 5, Bemetara, Tahsil And District Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

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

---- Respondent

 For Applicant : Shri Bharat Rajput, Advocate
 For Respondent/State : Shri B.L. Sahu, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

11.11.2019

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.388/2019, registered at Police Station Bemetara, District Bemetara CG) for the offence punishable under Sections 363, 366, 376, 34 of the IPC and Sections 6, 12 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 his daughter has been abducted by the applicant and other co-accused persons and they detained and committed sexual intercourse with her.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. He submits that the prosecutrix is aged more than 16 years and she herself had gone to the applicant and she was a consenting party. He submits that the applicant is in jail since 19.7.2017 and trial will take some time, 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 trial may take some time, 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 two sureties 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