

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6188 of 2019**

- Anand Rathiya S/o Kartikram Rathiya Aged About 21 Years R/o Village Polaiaant Chowki Rairuma Khurd, Police Station Dharamjaigarh, District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station (Police Chowki Rairuma Khurd) Dharamjaigarh, Civil And Revenue District Raigarh Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Ajeet Kumar Yadav, Advocate.
For Respondent	:	Mr. Vaibhav K. Agrawal, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/11/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 57/2019 registered at Police Station - Police Chowki Rairuma Khurd, Dharamjaigarh, District Raigarh (C.G.) for the offence punishable under Sections 363, 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act.
- The prosecution story in brief is that, on 25.04.2019 at about 08.00 P.M. on the pretext of marriage, applicant committed sexual intercourse with the prosecutrix. Thereafter, offence has been registered against the applicant and he was arrested on 22.08.2019.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He

further submits that there is love affairs between the applicant and prosecutrix and the age of the prosecutrix is 16 years 1 month and the applicant is in jail since 22.08.2019, therefore, the present applicant may be released on bail.

- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix, the statement of the prosecutrix in 164 Cr.P.C., in which she has not supported the prosecution case and further considering the fact that the applicant is in jail since 22.08.2019 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.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge