

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6102 of 2019

- Mohammad Safesh S/o Mohammad Jamil Aged About 21 Years R/o Kashimpur Katra, Police Station Hathgaon, District Fatehpur, Uttar Pradesh (Wrongly Mentioned In The Order Sheet Chhattisgarh)

---- Applicant

Versus

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

---- Respondent

 For Applicant : Shri Achyut Tiwari, Advocate
 For Respondent/State : Ms. Reena Singh, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

19.11.2019

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.184/2019, registered at Police Station Sirgitti, District Bilaspur(CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Section 5(1), 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 abducted the prosecutrix and committed sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix herself had gone to the applicant and she was a consenting party. He further submits that the prosecutrix is aged more than 17 years

and the applicant is in jail since 26.8.2019 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; the applicant is in jail since 26.8.2019, 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