

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6181 of 2019**

- Sanju @ Chuku Khandelwal (Wrongly Mentioned As Khandelwar In The Impugned Order) S/o Samund Khandelwal, (Wrongly Mentioned As Khandelwar In The Impugned Order) Aged About 21 Years, R/o Village Gukhera, District - Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station Gidhpuri - Civil And Revenue District-Baloda Bazar - Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Mr. Satyaprakash Verma, Adv.
For Respondent/State	: Mr. Anurag Verma, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****15.11.2019**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 59/2019 registered at Police Station Gidhpur, District-Baloda Bazar-Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 4 of the protection of Children From Sexual Offences Act.
2. The prosecution story, in brief is that, the complainant, father of the prosecutrix has lodged a written complaint that the applicant has abducted the prosecutrix and on pretext of marriage committed sexual intercourse with her. Based on this offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the age of prosecutrix is above 18 years

and she has solemnized marriage with the applicant according to Hindu Rites and customs, in *Arya Temple* Tikrapara Raipur. The applicant is in jail since 31.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that the prosecutrix is above 18 years old and the prosecutrix has solemnized marriage with the present applicant. The present applicant is in jail since 31.08.2019 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.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**