

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C No. 6145 of 2019

Karan Jhariya S/o Dilesh Jhariya Aged About 19 Years R/o Village -
Toulipali, P.S. - Kartala, Distt. Korba Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station -
Bhupdevpur, Distt. Raigarh Chhattisgarh.

---- Respondent

For Applicant	: Shri Awadh Tripathi, Advocate.
For Respondent/State	: Shri B.L. Sahu, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey
Order on Board

23/10/2019

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.105/2019, registered at Police Station- Bhupdevpur, Distt. Raigarh, (C.G.) for the offence punishable under Sections 363, 366 (A), 376 of the Indian Penal Code and Sections 4 & 6 of the Protection of Child From Sexual Offences Act, 2012 and Section 2(2), v(A) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Facts of the case are these that the applicant and the prosecutrix had love affair and he kidnapped her and taken to his home, where he had developed physical relation with the prosecutrix several times. Father of the prosecutrix has lodged a written report with averment that unknown person has seduced and abducted his daughter and on the basis of said report the police has registered the offence against unknown person. During the course of investigation, prosecutrix has been recovered from the house of the applicant. Based on which, the criminal case has been registered against the applicant and he has been arrested on 25.06.2019.
3. Learned counsel appearing on behalf of the applicant submits that applicant

is innocent and he has been falsely implicated in this case. He further submits that the prosecutrix did not support the prosecution case and turned hostile. Even otherwise, prosecutrix in her statement recorded before the Court below has admitted that she had love affairs with the applicant. He also submits that on the date of incident, she is a major girl, case is pending and the trial is likely to take some time for its conclusion. In these circumstances, the applicant be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case, particularly considering the fact that the prosecutrix turned hostile, the applicant is in custody since 25.06.2019, trial is likely to take some time for its conclusion, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on executing a personal bond in the sum of Rs. 25,000/- with one surety for the like amount to the satisfaction of the concerned trial Court for his appearance before it as and when directed.

Sd/-
(Rajani Dubey)
Judge