

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6346 of 2019

- Shrineshwar Markande S/o Shri Gopaldas Markande Aged About 23 Years R/o Village Ranijaroda, P.S.- Suhela, District- Balodabazar, Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Throughl P.S.- Suhela District- Balodabazar, Bhatapara, Chhattisgarh., District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

 For Applicant : Shri A.K. Matre, Advocate
 For Respondent/State : Shri Wasim Miyan, Panel Lawyer

Hon'ble Smt.Justice Rajani Dubey
Order On Board

26.11.2019

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.119/2018, registered at Police Station City Suhela, Balodabazaar, District Balodabazaar-Bhatapara(CG) for the offence punishable under Sections 363, 366-A, 376 of the IPC and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, the father of the prosecutrix lodged a report that his daughter is missing since 1.7.2018, while she had gone to attend the call of nature and thereafter did not return. On investigation, it was found that on the pretext of marriage the applicant has allured her and committed sexual

intercourse with her and the prosecutrix was recovered from the possession of the applicant.

4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix herself had gone to the applicant as they were in love affair 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 31.8.2019 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; the prosecutrix is aged more than 17 years; and the applicant is in jail since 31.8.2019, 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