

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6456 of 2019

- Ram Bahadur Saroj S/o Ram Lakhan Aged About 23 Years R/o Village Hardikala Tona, Bade Bhatha, Thana Sirgitti, District Bilaspur Chhattisgarh

---- Applicant

Versus

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

---- Respondent

For Applicant	: Smt. Shital Soni, Advocate
For Respondent/State	: Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

13/12/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.208/2019 registered at police station Sirgitti District Bilaspur (CG) for the offence punishable under Sections 363, 366 and 376 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

As per prosecution case, report was lodged by brother of the prosecutrix alleging that his sister went missing and on search being made by the police, she was found in the custody of the applicant.

Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated. She submits that the prosecutrix is

aged more than 16 years, they were having love affair and she went with the applicant of her own. She submits that the applicant is in jail since 11.07.19; the charge sheet has been filed; the offence is triable by magistrate and the trial will take time for final disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant and the fact that the prosecutrix was a consenting party, I am inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge