

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6816 of 2019**

- Ghanshyam Chakradhari S/o Bhimraj Chakradhari Aged About 21 Years R/o Sahaskhol, Police Station Devbhog (Wrongly Mentioned As Devibhog), District Gariyaband Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Devbhog, District Gariyaband Chhattisgarh.

---- Respondent

For Applicant	:	Mr. N. K. Chatterjee, Advocate.
For Respondent	:	Mr. Wasim Miyan, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/12/2019**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 47/2019 registered at Police Station - Devbhog, District Gariyaband (C.G.) for the offence punishable under Sections 366, 376(2)(क), of IPC and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2) (वक) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
- The prosecution story in brief is that prosecutrix lodged a report at concern Police Station alleging therein that there has been love affair between the prosecutrix and applicant since the school age and, in between, applicant made physical relationship with the prosecutrix in assurance of marriage, but later on, applicant has denied for marriage. On the basis of said facts, offence has been registered against the applicant and he has been arrested.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that age of the prosecutrix is above 16 years, there was love affair between the applicant and prosecutrix and she was willing and consenting party, therefore no alleged offences are made out against the applicant. He next submits that applicant is in jail since 25.02.2019, there is no previous antecedent against him, therefore, the present appellant may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the age of the prosecutrix, 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.
- Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge