

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6649 of 2019**

- Toshan Yadav S/o Heera Lal Yadav, Aged About 22 Years R/o Village Dumartarai, Mahaveer Chowk, Police Station Mana Camp, District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Nandini, District Durg Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Rekhraj Baghel, Advocate.
For Respondent	:	Mr. Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06/12/2019**

- 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. 167/2019 (wrongly mentioned as 591/19) registered at Police Station – Nandini, District Durg (C.G.) for the offence punishable under Sections 363, 366-A & 376 of IPC & Sections 4 & 6 of Protection of Children for Sexual Offences Act.
- The prosecution story in brief is that, applicant committed sexual intercourse with the prosecutrix on the pretext of marriage. On the basis of that, after investigation, offence has been registered against the applicant and he was arrested on 08.07.2019.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the age of the prosecutrix is above 16 years and there was a love affairs between the applicant and

prosecutrix. He next submits that the applicant is in jail since 08.07.2019, therefore, the present applicant 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.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix and further considering the detention period of the applicant, 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