

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6655 of 2019**

- Rajesh Sendra S/o Rama Sendra Aged About 35 Years R/o Village Kutru, Police Station Kutru, District Bijapur, Chhattisgarh.

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kutru, District Bijapur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P. Chetan Kumar, Advocate.
For Respondent	:	Mr. B.L. Sahu, P.L.

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. 05/2019 registered at Police Station - Kutru, District Bijapur (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of Protection of Children from Sexual Offences Act, 2012.
- 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 28.03.2019.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that prosecutrix herself in her cross-examination has not supported the case and turned hostile. He further submits that applicant is jail since 28.03.2019,

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 fact that the prosecutrix has not supported the case and turned hostile, 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