

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6726 of 2019

- Jai Kumar @ Ajay Kumar Singh S/o Ajmer Singh Aged About 20 Years R/o Village Jilda, Thihai Para, Tahsil And Police Station Khadgawan, District Koriya, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Khadgawan, District Koriya, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pawan Shrivastava, Advocate
For Respondent/State	: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

09/12/2019

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.90/2019 registered at police station Khadgawan, district Koriya (CG) for the offence punishable under Sections 363, 366, 376 (2)(n), 342 and 506 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act.

Case of the prosecution in brief is that complaint was lodged by the prosecution on 01.05.2019 alleging that on 07.04.2019 when she was alone in the house, applicant came and committed sexual intercourse on the pretext of marriage. It is further case of the prosecution that on 22.04.19, at night, she went along with the

applicant to the house of one Sachin Jaiswal where they stayed for about one week. It is alleged that the applicant had committed sexual intercourse by threatening her to kill.

Counsel for the applicant submits that the applicant has been falsely implicated and that the prosecutrix was aged more than 17 years. He further submits that the prosecutrix has gone along with the applicant of her own and that there was delay in lodging the FIR. He submits that the applicant is in jail since 04.05.2019 and looking to the conduct of the prosecution, it is clear that the trial will take time for its conclusion.

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

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant and the fact that there was delay in lodging the FIR, I am inclined to release him on regular 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 in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge