

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6728 of 2019**

- Devsharan Singh @ Bullu S/o Lallu Singh, aged about 20 years, R/o Village Kachhiya, Bhagwarda para, outpost Moharsop, Police Station Chandni, District Surajpur Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Chandni, District Surajpur Chhattisgarh

---- Respondent

For Applicant :Shri Anil Gulati, Advocate
 For Respondent :Shri Sameer Sharma, Dy. Govt. Advocate
 None for the Objector though notice is served and appeared on earlier date.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****19/12/2019**

1. Heard on admission.
2. Admit.
3. 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.25/2019, registered at Police Station - Chandni, District Surajpur(C.G.) for the offence punishable under Sections 363, 366, 376 (2)(3) of the IPC and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution is that father of the prosecutrix lodged a report that when his wife and daughters had gone to attend a marriage ceremony from there the applicant taken away her minor daughter on the pretext of marriage in the

nearby forest and committed sexual intercourse with her.

5. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime and the prosecutrix was in love affairs with the applicant and she herself had gone with him. He submits that charge sheet has been filed and before the Court, the prosecutrix has turned hostile and the trial is likely to take some time for its final disposal, therefore, the applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and prosecutrix has turned hostile, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
8. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge