

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9121 of 2018

- Sarju Dhritlahre S/o Bulbul Dhritlahare Aged About 19 Years
Occupation- Agriculturist, R/o Village- Bilha, Ward No.8, Rani
Durgawati Sanichari Bazar, Police Station- Bilha, District- Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Newai, District- Durg,
Chhattisgarh., District : Durg, Chhattisgarh

---- Respondent

For Applicant	:	Mr. H. P. Agrawal on behalf of Mr. Ashok Dixit, Advocate.
For Respondent	:	Mr. Arun Shukla, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

08/01/2019

1. This is third bail application on behalf of the applicant. First application bearing MCRC No. 2154 of 2018 was dismissed vide order dated 4.5.2018 for want of prosecution. Thereafter, second application bearing MCRC No.3998 of 2018 was dismissed as withdrawn on 19.6.2018 with a direction to the trial Court concerned to expedite and conclude the trial within a period of 4 months. As the trial could not be concluded by the trial Court within the stipulated period, this third bail application is filed by the applicant for grant of regular bail.
2. This bail application under Section 439 of the Code of Criminal Procedure, 1973 has been filed for grant of regular bail to the applicant

who has been arrested in connection with Crime No.188/2016 registered at Police Station– Newai, District–Durg(C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code. & Sections 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.

3. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant. The prosecutrix and her father both have been examined before the trial Court and from their statements it is clear that there was love affair between the applicant and the prosecutrix. Age of prosecutrix appears to be 18 years. Further, the trial Court has not taken any interest in concluding the trial and therefore the trial is getting delayed because of which only this applicant is languishing in jail without there being any fault on his part. Hence, it is prayed that this applicant be enlarged on regular bail.
4. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that the prosecutrix was minor at the time of incident, therefore, theory of consent is totally immaterial. Hence, the application is liable to be rejected.
5. Heard both the parties and perused the case diary.
6. Allegation against the applicant is this that that he abducted the minor prosecutrix and by keeping her in confinement committed the offence of rape with her on number of occasions regarding which trial is going on.
7. Considering the factum of delay in conclusion of trial, I am of this view that this is a fit case where applicant should be released on regular bail.

8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha