

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6994 of 2019

- Aakash Vishwakarma S/o Bramha Vishwakarma Aged About 21 Years R/o. Village Lakhanpur (Near Bus Stand), P.S. And Tehsil Lakhanpur, District Surguja, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer- Police Station Ambikapur, District Surguja, Chhattisgarh

---- Respondent

For Applicant	: Shri Sumit Singh Rathore, Advocate
For Respondent/State	: Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

16/12/2019

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.407/2019 registered at police station Ambikapur District Surguja (CG) for the offence punishable under Sections 363,366-A ,368 and 376(2)(n) IPC and Section 5 (३) and 6 of the Protection of Children from Sexual Offences Act, 2012.

As per prosecution case, report was lodged by grandmother of the prosecutrix alleging that some unknown person had allured the prosecutrix from custody of her grandparents. It is alleged that the applicant subjected her to sexual intercourse on the pretext of marriage.

Counsel for the applicant submits that the applicant is innocent and he has been falsely implicated and that the prosecutrix is aged more than 16 years. He further submits that the prosecutrix was a consenting party and she lived with the applicant for 10-11 days. He submits that the applicant is in jail since 13.07.19; the charge sheet has been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion and therefore he may be released on bail.

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

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant and the fact that the prosecutrix left with the applicant of her own and stayed with him for few days, I am inclined to release him on 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 of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge