

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6865 of 2019**

- Fulchand Baghel S/o Ramchand Baghel Aged About 20 Years R/o Village Bade Morathpal, Police Station Parpa, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Applicant**Versus**

- The State Of Chhattisgarh Through Police Station Parpa, District Bastar Chhattisgarh., District : Bastar(Jagdalpur), Chhattisgarh

---- Respondent

For Applicant	:	Shri D.K. Gwalre, Advocate
For Respondent	:	Shri Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****10/12/2019**

1. 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.153/2019, registered at Police Station -Parpa, District Bastar (C.G.) for the offence punishable under Section 376 of the IPC & Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that mother of the prosecutrix lodged a report that the applicant has committed sexual intercourse with her daughter on the pretext of marriage upto 1 ½ years, due to which she became pregnant and gave birth to a child on 11.8.2019.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime in question. He submits that the prosecutrix was aged above 16 years and she was a consenting party. He further submits that as the applicant is in custody since 14.8.2019 and the trial is likely to take some time for its final disposal, he may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the prosecutrix is aged above 16 years, I am of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
6. Accordingly, the application filed under Section 439 Cr.P.C. is allowed.
7. 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.
8. Certified copy, as per rules.

Sd/

(Rajani Dubey)
Judge