

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6982 of 2019

- Sarvar Raja @ Sonu S/o Aenul Haque Aged About 22 Years
Caste Musalman, R/o Village Bhawrahi, Police Chowki Basdei,
Tahsil Bhaiyathan, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police
Station Ajak Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For Applicant	: Shri Dashrath Kushwaha, Advocate
For Respondent /State	: Shri Anurag Verma, 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.260/2019 registered at police station Ajak Surajpur, District Surajpur (CG) for the offence punishable under Sections 363,366 and 376 IPC,Sections 3 (1)(b) (i) and 3(2)(v) of the SC/ST (Prevention of Atrocities)Act and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.

Case of the prosecution in brief is that father of the prosecutrix lodged a missing report at police station alleging that his daughter was not found. It is further alleged that the applicant and the prosecutrix were having love affair and she was recovered from the custody of the

applicant.

Counsel for the applicant submits that the prosecutrix left with the applicant of her own as they were having love affair. He submits that the prosecutrix is more than 16 years of age and she has not stated anything against the applicant. He submits that the applicant is in jail since 02.09.2019; the charge sheet has already been filed 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 the prosecutrix has not stated anything against the applicant, 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