

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7019 of 2019**

- Jaikumar Anant S/o Tekram Anant, aged about 23 years, R/o Manpur, Police Station Fasterpur, District Mungeli, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through Station House Officer, Police of Police Station Fasterpur, District Mungeli, Chhattisgarh

---- Respondent

For Applicant	:Shri C.P. Lahrey, Advocate
For Respondent	:Shri Vinod Tekam, Panel Lawyer

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

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.165/2018, registered at Police Station – Fasterpur, District Mungeli(C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution is that father of the prosecutrix lodged a report that his daughter had gone out of the house on 25.11.2018 at about 7.00 pm but did not return and on investigation, it was found that the applicant had abducted her from lawful guardianship and committed intercourse with her.
3. Learned counsel for the applicant submits that the applicant

has been falsely implicated in the crime and the prosecutrix was in love with the applicant and she had gone with him on her will. He submits that charge sheet has been filed and before the Court, the prosecutrix, who is above 16 years of age, herself has accepted her relations with the applicant; the applicant is in custody since 23.8.2019 and trial is likely to take some time for its final disposal, therefore, the applicant 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 and she was a consenting party, 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