

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 7442 of 2019

- Kush Kumar S/o Late Bhagwat Koshle Aged About 22 Years R/o Village - Barahi, Post - Takhatpur, Police Station Takhatpur, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Takhatpur, District Bilaspur Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Dharmesh Shrivastava, Advocate.
For Non-applicant/State	: Mr. Roshan Dubey, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-12-2019

1. Heard on the application filed under Section 439 of the Cr.P.C. This is second bail application filed before this Court filed by the applicant for grant of regular bail. The earlier application M.Cr.C. No.3242 of 2019 was dismissed as withdrawn on 09.07.2019 with liberty to file repeat application after examination of prosecutrix. The applicant has been arrested on 26.03.2019 in connection with Crime No.337/2017, registered at Police Station– Takhatpur, District- Bilaspur, Chhattisgarh for offence punishable under Sections 363 and 376, 34 of the Indian Penal Code and Sections 04 and 06 of the POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant is innocent and falsely implicated in this case. The prosecutrix was not a minor on the date of incident and further she was a consenting party throughout. The applicant is in jail since 26.03.2019 and trial is yet to be completed. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that looking to the evidence present against the applicant, he is not entitled for grant of regular bail.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, this applicant has abducted the minor prosecutrix and by taking her different places, he had exploited her sexually.
6. Perused the copy of deposition of prosecutrix filed along with the petition and also perused the other material present in the case diary and as the trial against this applicant is yet to be completed, therefore, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
8. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge