

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 186 of 2020

- Diamond S/o Late Bharat Giri Aged About 30 Years R/o Village Ranipartewa, Police Station - Chhura, District - Gariyaband Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through - S. H. O., Police Station - Fingeshwar, District - Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Shri Ravindra Sharma, Advocate
For Respondent/State	: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

02/03/2020

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. 201/2019 registered at police station Fingeshwar, District Griyaband (CG) for the offence punishable under Sections 458,376(2),313 and 506/34 IPC; Section 6 of the Protection of Children from Sexual Offences Act and Section 15(2)(3) of the Indian medical Council Act, 1956..

As per prosecution case, on 18.10.2019, report was lodged by the father of the prosecutrix alleging that on 31.03.2019, the applicant came to his house for attending the *chhatti* and committed sexual intercourse with his daughter as a result of which she became

pregnant. It is further alleged that a community meeting was called and the applicant as well as father accepted her as wife and daughter-in-law. Prosecution case is that the applicant and his father thereafter, administered some medicine to the prosecutrix for getting her aborted.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the applicant is in jail since 23.10.2019 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, 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