

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 24 of 2020

- Rupesh Kumar S/o Nanduram Bijhekar Aged About 19 Years
R/o Village - Demar, Police Station - Arjuni District - Dhamtari
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Bhakhara District
- Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Shri Akhand Pratap, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

11/02/2020

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.241/2019 registered at police station City Kotwali, district Raigarh (CG) for the offence punishable under Sections 456,376,506,34 IPC and Section 6 of the Protection of Children from Sexual Offences Act.

As per prosecution case, a report was lodged by the prosecutrix alleging that the co-accused was having affair with her and therefore he developed physical relations with her. It is stated that the present applicant was the friend of co-accused.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He further submits that the prosecutrix was aged more than 17 years and was a consenting party. He submits that the main allegation is against co-accused namely Vivek Choure; the applicant is in jail since 09.12.2019 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