

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 116 of 2020**

Vinod Kumar Tomar, S/o Rajendra Tomar, aged about 23 years, R/o Raliya, aged about 23 years, R/o Raliya, Police Station Masturi, District Bilaspur (C.G.) (In jail)

---- Applicant

Versus

State of Chhattisgarh, Through - Station House Officer, Police Station – Akaltara, District Janjgir-Champa (C.G.)

----Non-applicant

For Applicant	: Mr. Amit Kumar, Advocate.
For Non-applicant/State	: Mr. Vaibhav Kartike Agrawal, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board**

13/02/2020

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 153/2019 (wrongly mentioned as 153/2017 in the order sheet) registered at police Station Akaltara, District Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that on 19.07.2019 applicant abducted the prosecutrix, who is aged about more than 17 years at the time of incident, and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to act of the applicant. He further submits that applicant is in jail since

18.09.2019; charge sheet has already been filed and as trial is likely to take some time for its final disposal and no custodial interrogation is required, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case, particularly the facts that applicant is languishing in jail since 18.09.2019; charge sheet has already been filed and the trial is likely to take some time for its final disposal; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(7) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

