

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 474 of 2020

- Vivek Kumar @ Vinod Yadav S/o Kameshwar Yadav Aged About 20 Years R/o Karkepa, Ramanujganj (Wrongly Mentioned As Ramanujnagar), Police Station , District Balrampur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Patna, District Koriya Chhattisgarh

---- Respondent

For Applicant	: Shri Pushkar Sinha, Advocate
For Respondent/State	: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

03/03/2020

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. 179/2019 registered at police station Patna, District Koriya (CG) for the offence punishable under Sections 363,366,341,354 and 354(A) IPC; Section 8 of the Protection of Children from Sexual Offences Act and Section 3(2)(va) of the SC/ST (Prevention of Atrocities) Act.

As per prosecution case, on the date of incident, when the prosecutrix was going to school, on the way, the applicant met her and asked her to drop at school and thereafter he forcefully drove her to Ambikapur on the pretext of marriage.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the prosecutrix has not stated anything against the applicant and there was no allegation of rape. He submits that the applicant is in jail since 05.11.2019 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 and that the prosecutrix has not supported the prosecution case, 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