

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 520 of 2020

Dilip Sori, S/o Shri Nakul Sori, Aged About 20 Years, R/o Village Gudbheli, P. S. Deobhog, District- Gariaband (C.G.) --- **Applicant**

Versus

State of Chhattisgarh, Through Police Station Deobhog, District- Gariaband (C.G.) --- **Respondent**

For Applicant : Mr. Pragalbha Sharma, Advocate.

For State/ Respondent : Mr. Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

10/07/2020

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 183/2019, registered at Police Station- Deobhog, District- Gariaband (C.G.) for the offence punishable under Section 363, 366, 376(2)(n) of IPC & Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 17.10.2019 and has been falsely implicated in this case. No case is made out against the present applicant. The prosecutrix has been examined before the trial court and she has made submission that her age is above 18 years and other narration made by her shows that she was consenting party. Hence, it is prayed that this applicant be enlarged on bail.
3. On the other hand, learned counsel for the State opposes the bail

application submitting that the prosecutrix was minor according to entry in the school register, therefore, no case is made out for grant of bail to the applicant. Hence, the application for grant of bail may be rejected.

4. On notice, the informant/complainant namely Khir Singh Nagesh is present in the High Court of Chhattisgarh through Help Desk and he has submitted that he has objection in granting bail to this applicant.
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that this applicant abducted the minor prosecutrix and then he has exploited her sexually until she was recovered by police.
7. Copy of deposition of the prosecutrix has been filed along with the application. After perusal of the same, I am of the view that it would be proper to release the applicant on regular bail during pendency of trial against him, hence, I feel inclined to grant bail to the applicant in this case.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge