

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 463 of 2020

- Ajay Sen S/o Shri Kaushal Sen Aged About 22 Years R/o Vijay Chowk Mathpara Birgaon Police Station Urla District - Raipur Civil And Revenue District - Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Khamtarai District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri Ajay Mishra, Advocate
For Respondent/State	: Smt. Reena Singh, 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. 636/2019 registered at police station Khamtarai, District Raipur (CG) for the offence punishable under Section 363 IPC and Section 6 of the Protection of Children from Sexual Offences Act.

As per prosecution case, the applicant allured the prosecutrix in his motorcycle to Dongergarh where he committed sexual intercourse with her on the pretext of marriage.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the prosecutrix is more

than 17 years of age. He submits that the applicant is in jail since 10.12.2019 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 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