

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 549 of 2020

- Dakeshwar Das Vaishanav S/o Anil Vaishanav Aged About 21 Years R/o Village Pansodi, Police Station Pachpedi Tahsil Masturi, District Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Its Police Station Pachpedi, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ravi Maheshwari, Advocate
For Respondent/State	: Shri Wasim Miyan, PL
For Objector	: Shri Pradeep Jogi, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

25/02/2020

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. 105/2018 registered at police station Pachpedi, District Bilaspur (CG) for the offence punishable under Sections 363,366 and 376 IPC and Section 5 and 6 of the POCSO Act.

As per prosecution case, report was lodged by father of the victim against the applicant alleging that on the date of incident in the evening when he returned from the field, he found his daughter missing and it is the accused/applicant who had allured her. It is further alleged that the applicant had later got married with the prosecutrix and they are having a child.

Counsel for the applicant submits that the applicant is willing to keep the prosecutrix with him as they have performed marriage and are having a child. He further submits that the families of the applicant and respondent have no objection. He submits that the applicant is in jail since 06.01.2020 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.

Father of the victim was present in the court. He has no objection if the applicant is granted bail.

Having heard counsel for the parties, considered the totality of the fact, in particular the fact that the parties have no objection and that their families have agreed to their relationship as they have performed marriage and are having a child, 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