

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 780 of 2020

- Dhaneshwar Singh S/o Dhirsai Gond Aged About 28 Years Resident Of Village- Fungee, Police Station- Udaypur, District- Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Police Station- Udaypur, District- Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant	:	Shri S.D.Singh, Advocate
For RespondentState.	:	Shri Akhtar Hussain, P.L.

Hon'ble Smt. Justice Rajani Dubey

Order on Board

17/03/2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.02/2019, registered at Police Station Udaypur, District Surguja(CG) for the offence punishable under Sections 363, 366, 343, 376 (2) (ब) of the IPC and Section 5 (ब)(अ) read with Section 06 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, the applicant has abducted the prosecutrix from her lawful guardianship and committed sexual intercourse with her, due to which she became pregnant.

4. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. The prosecutrix is aged above 16 years and she was a consenting party. He submits that charge sheet has been filed and the applicant is in jail since 18.10.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.
5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant; charge sheet has been filed and the prosecutrix is aged above 16 years, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE