

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 877 of 2020**

- Anil Kumar Tumreki S/o Shri Lakhan Tumreki, Aged About 25 Years
R/o Village - Botepara, Police Station - Ghumka, Tahsil - Ghumka,
District - Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station -
Ghumka, District - Rajnandgaon Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Ishan Verma, Advocate.
For Respondent/State	:	Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****20.03.2020**

1. The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 81/2018 registered at Police Station - Ghumka, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. The prosecution story in brief is that, the applicant had established physical relationship with minor prosecutrix on the pretext of marriage, due to that, prosecutrix got pregnant. Based on that, after investigation, offence has been registered against the applicant and he has been arrested.
3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the 164 Cr.P.C. statement of prosecutrix,

who is above 16 years of age, has been recorded before the trial Court and she did not support the case of the prosecution. He further submits that applicant is jail since 16.01.2020, and he is ready to furnish adequate surety and shall abide by all the conditions and directions, which may be imposed by this court, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, age of the prosecutrix further considering the that fact that before the trial Court prosecutrix has not supported the case and turned hostile, the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
7. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the said Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**

Vijay Sahu