

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 1250 of 2020**

Mukesh Dhiwar, S/o Kejuram Dhiwar, Aged about 23 years, R/o Indira Awas Para, Mohrenga, Police Station Kharora, District Raipur, Chhattisgarh.

---Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station- Dharsinwa, District Raipur, Chhattisgarh.

--- Non-applicant/State

For Applicant :- Mr. Kamlesh Kumar Pandey, Advocate
For State :- Mr. Ghanshyam Patel, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal
Order on Board

12/05/2020

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. 260/2019, registered at Police Station – Dharsinwa, District Raipur (CG), for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant has abducted the minor prosecutrix and

also committed sexual intercourse with her and thereby, committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in the crime in question as the prosecutrix is a major and is already married and it is a case of consent. He would further submit that the applicant is in jail since 16/12/2019.

4. On the other hand, learned counsel for the State would oppose the bail application stating that the prosecutrix is a minor.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicant and pre-trial detention of the applicant, this Court is of the opinion that present is a fit case wherein the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the 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.

9. It is made clear that if the applicant has already been released on bail pursuant to the bail bonds already furnished in view of the order passed by the High Power Committee constituted in compliance of the order of the Supreme Court of India dated 23/03/2020 in the matter of **In Re : Contagion of COVID 19 Virus in Prisons** (Suo Moto Writ Petition (c) No. 1/2020), he need not furnish bail bonds afresh and the bail bonds already furnished shall be deemed to be the bail bonds furnished in compliance of the order of this Court, but if he has not furnished the bail bonds earlier, then he will be required to furnish bail bonds within four weeks from today.

10. Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

Harneet