

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6674 of 2019

- Lav Kishore @ Lavkush Vaishnav S/o Santosh Das Vaishnav, Aged About 22 Years R/o Azad Nagar, Jhanda Chowk Rawabhata, P.S. Khamtarai, District Raipur Chhattisgarh,

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Khamtarai, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Sangharsh Pandey, Advocate
For Respondent/State	: Shri Akhtar Hussain, PL
For Respondent/Objector	: Shri Yogesh Pandey, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

17/01/2020

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. 273/2019 registered at police station Khamtarai, district Raipur (CG) for the offence punishable under Sections 363,366,376(2) (ॢ) IPC and Section 4, 5 (ॢ) and 6 of the Protection of Children from Sexual Offences Act, 2012.

Case of the prosecution in brief is that on 26.05.2019, a report was lodged by the father of the prosecutrix that his daughter is found missing and on the next day she was recovered.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He further submits that two different statements of the prosecutrix have been recorded and therefore possibility of false implication cannot be ruled out. He submits that the applicant is in jail since 03.06.2019; the charge sheet has been filed 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 as well as counsel for the Objector opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of allegation and the detention period of the applicant, 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