

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6938 of 2019

- Mukesh Kumar S/o Shri Banwari Gautam Aged About 28 Years
R/o Village Akra Police Station Rampur District - Jaunpur (U.P)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Jarhagaon
District Mungeli Chhattisgarh.

---- Respondent

For Applicant	: Shri Dheerendra Pandey, Advocate
For Respondent/State	: Shri V.K.Agrawal, Advocate
Father of the prosecutrix is also present.	

Hon'ble Smt. Justice Rajani Dubey

Order On Board

20/01/2020

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. 157/2019 registered at police station Jarhagaon, district Mungeli (CG) for the offence punishable under Sections 363 and 366 IPC and Section 12 of the POCSO Act.

As per prosecution case, a missing report was lodged by the father of the prosecutrix that on the date of incident, the prosecutrix had gone to school and did not return home. It is further alleged that the prosecutrix was later recovered from the custody of the applicant.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the prosecutrix

left her house of her own and was a consenting party. Lastly, he submits that the applicant is in jail since 15.07.2019 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.

Having heard counsel for the parties, considered the totality of the fact, in particular the fact that the applicant is a government servant, 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