

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6803 of 2019**

- Kanhaiya Lal Vishvakarma S/o Tulsi Vishwakarma Aged About 21 Years R/o Mathura Nagar, Magarload, Police Station Magarload, District Dhamtari Chhattisgarh...(In Jail)

---- applicant

Versus

- State Of Chhattisgarh Through Police Station Kurud District Dhamtari Chhattisgarh....(Non Applicant)

---- Respondent

For Applicant.	:	Mr. Dashrath Kushwaha, Advocate.
For Respondent/State	:	Mr. Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21.01.2020**

1. Earlier, on 09.12.2019, a notice was sent to the complainant to appear before this Court. Today, complainant is not present today though notice has been served.
2. 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. 519/2018 registered at Police Station - Kurud, District Dhamtari (C.G.) for the offence punishable under Sections 363, 366 & 376 of IPC, Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012 and Section 3(2) (5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
3. The prosecution story in brief is that, the allegation against the present applicant is that he has abducted the prosecutrix and committed sexual intercourse with her against her will.

On the basis of that, after investigation, offence has been registered against the applicant and he has been arrested.

4. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that in the statement of prosecutrix 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 23.04.2019, there is no previous antecedent against him, therefore, the present applicant may be released on bail.
5. On the other hand, counsel for the State opposes the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, 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.
8. 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