

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6789 of 2019**

- Arun Vyapari S/o Anil Vyapari Aged About 22 Years R/o Chathirma, P.S. Gandhinagar District Surguja Chhattisgarh....(In Jail)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar District - Surguja Chhattisgarh.

---- Respondent

For Applicant.	:	Mr. Nishi Kant Sinha, Advocate.
For Respondent/State	:	Mr.Vinod Kumar Tekam, 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. 43/2019 registered at Police Station – Gandhinagar, District Surguja (C.G.) for the offence punishable under Sections 363, 366 A & 376 (A)(B) of IPC and Section 5L/6 of Protection of Children from Sexual Offences Act, 2012.
3. The prosecution story in brief is that, complainant/father of the prosecutrix lodged a written report before the concern police station alleging that the applicant took her daughter away by alluring her and on the pretext of marriage committed sexual intercourse with her. 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 prosecutrix in her 164 Cr.P.C. statement nowhere mentioned about the rape. He further submits that applicant is jail since 19.02.2019, 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 prosecutrix in her 164 Cr.P.C. statement nowhere mentioned about the rape, as 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