

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6862 of 2019**

- Ajit Kushwaha S/o Rajendra Prasad Kushwaha Aged About 26 Years
R/o A.C.C. Chowk, Jamul Ward Number 13, Police Station Jamul,
District Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Gunderdehi, District
Balod, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Arti Chand Dutta, Advocate.
For Respondent	:	Mr. Anurag Verma, P.L.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.01.2020**

- 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. 265/2019 registered at Police Station – Gunderdehi, District Balod (C.G.) for the offence punishable under Sections 363, 376, 354 (घ), 506-II of IPC, Sections 4, 6 & 12 of Protection of Children from Sexual Offences Act, 2012.
- The prosecution story in brief is that, on 14.07.2019 prosecutrix made a written complaint against unknown persons alleging therein that he used to follow her as and when she goes to market and school. He gave his mobile number and asked her to talk to him and threatened her for dire consequences, if she discloses this incident to her parents. During investigation, complainant came to Police Station along with her family members on 22.07.2019 and gave a supplementary statement that on 08.07.2019, applicant had threatened her and took her on his motorcycle

and committed sexual intercourse with her against her will. On the basis of supplementary statement other offences have been added.

- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. The written report only discloses offence under Section 354 (घ), of IPC and other offences have been added subsequently which are based on false implication. She further submits that applicant is jail since 17.07.2019, and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may be imposed by this Court, therefore, he may be released on bail.
- On the other hand, counsel for the State opposes the bail application.
- I have heard learned counsel for the parties and perused the case diary.
- Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, further considering the fact that the prosecutrix is above 16 years and she did not state anything about rape in FIR, since, 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.
- 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