

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7280 of 2019

- Jitendra Rajput S/o Tejram Rajput, Aged About 19 Years R/o Chandali, Police Station - Pathariya District - Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Pathariya, District - Mungeli Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

 For Applicant : Shri Atanu Ghosh, Advocate
 For Respondent/State : Ms. Reena Singh, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

07.01.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.314/2019, registered at Police Station Pathariya, District Mungeli(CG) for the offence punishable under Sections 363, 366, 376 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, father of the prosecutrix lodged a report that the applicant has allured his daughter and taken her away and on investigation, the prosecutrix was recovered from the applicant.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix is aged about 17 years and she was a consenting party and she has not

stated anything in her statement recorded under Section 164 Cr.P.C. regarding the incident and before Police she has admitted that she is in love with the applicant and gone with him. He further submits that the applicant is in jail since 21.9.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations and the detention period of the applicant and also considering that the prosecutrix is aged about 17 years and she has not stated anything in her statement recorded under Section 164 Cr.P.C. against the applicant, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/-
(Rajani Dubey)
JUDGE