

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7025 of 2019**

Banwasi Vastrakar (Lodhi), S/o Ramadhar Vastrakar, aged about 28 years, R/o
Surya Chowk, Chingrajpara, Sarkanda, District Bilaspur (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh; Through – Station House Officer, Police Station – Sarkanda,
District Bilaspur (C.G.)

----Respondent

For Applicant : Mr. Bharat Gulabari, Advocate.
For Non-applicant : Mr. Akhtar Hussain, Panel Lawyer.
Prosecutrix is also present in person.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****04/02/2020**

(1) The accused/applicant has preferred this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 842/2019 registered at police Station Sarkanda, District Bilaspur (C.G.) for the offence punishable under Sections 376 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

(2) It is alleged that the present applicant had a love affair with the prosecutrix and out of which the prosecutrix became pregnant and when the prosecutrix asked the present applicant to marry her, he refused for the same and thereby committed the aforesaid offence.

(3) Counsel for the applicant submits that the prosecutrix is a major girl and she is consenting party to act of the applicant. He further submits that applicant is in jail since

16.09.2019 and the prosecutrix has not supported the case of the prosecution and turned hostile before the trial Court and, therefore, the applicant may be released on bail.

(4) Prosecutrix, who is present in the court, has no serious objection, if the bail has been granted to the applicant.

(5) On the other hand, counsel for the State opposes the bail application.

(6) I have heard learned counsel appearing for the parties and perused the case diary with utmost circumspection.

(7) Taking into consideration the facts & circumstances of the case, further considering the fact the applicant is in detention since 16.10.2019; and the fact that prosecutrix has not supported the case of the prosecution and turned hostile before the trial Court and the trial is likely to take some time for its final disposal and no further custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail 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 local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

