

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7077 of 2019

- Neelmani Thakur @ Chota @ Neelam S/o Late Moresh Thakur
Aged About 19 Years R/o New Adarsh Nagar, Street No. 06
Near Ramu Dairy, Chowki Padmanabhpur, Teh And Dist Durg
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. P.S. Durg Kotwalu,
District Durg Chhattisgarh,

---- Respondent

For Applicant	: Shri B.P.Singh, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Though notice was served but none appeared on behalf of the
prosecutrix.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

22/01/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 597/2019 registered at police station Durg Kotwali, district Durg (CG) for the offence punishable under Sections 363,366 and 376 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

As per prosecution case, a report was lodged by mother of the prosecutrix that she is found missing. It is alleged that the prosecutrix was recovered from the custody of the applicant.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that the applicant and the prosecutrix have got married. He submits that the prosecutrix and her mother have also not supported the prosecution case and have turned hostile. Lastly, he submits that the applicant is in jail since 26.07.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge