

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7125 of 2019

- Malikram Rajak S/o Ramji Rajak Aged About 22 Years R/o Village Amera, P.S. Palari . Baloda Bazar District Baloda Bazar Bhatapara Chhattisgarh....(In Jail)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station , Palari, Balodabazar , District Baloda Bazar- Bhatapara Chhattisgarh....(Non Applicant)

---- Respondent

For Applicant	: Shri Satya Prakash Verma, Advocate
For Respondent/State	: Shri Akhtar Hussain, PL
For Respondent/Objector	: Smt. Arti Chand Dutta, Advocate

Hon'ble Smt. Justice Rajani Dubey

Order On Board

20/01/2020

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. 235/2017 registered at police station Palari, district Baloda bazar, Bhatapara (CG) for the offence punishable under Sections 363,366 and 376 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

As per prosecution case, missing report was lodged by the complainant against the applicant, that the prosecutrix left her parental house and went along with the applicant and got married.

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 and out of their wedlock they are having a child. He submits that the prosecutrix left with the applicant of her own as they were having love affair. Lastly, he submits that the applicant is in jail since 13.10.2019 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. However, counsel appearing for the objector has no objection.

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