

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7342 of 2019

- Santdas Chelak S/o Shri Budhram Chelak Aged About 24 Years R/o Village Khurmuda, Police Station Berla, District Bemetara Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Chowki, Kandarka, Police Station Berla, District Bemetara Chhattisgarh.

---- Respondent

For Applicant	: Shri Rekhraj Baghel, Advocate
For Respondent/State	: Shri Anil Tripathi, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

10/02/2020

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.163/2019 registered at police chowki Kandarka, PS Berla, District Bemetara (CG) for the offence punishable under Sections 363, 366 A and 376 IPC and Sections 5 (३) and 6 of the Protection of Children from Sexual Offences Act.

As per prosecution case, the applicant allured the prosecutrix and thereafter subjected her to rape.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He further submits that during trial, the

prosecutrix as well as her mother have not supported the prosecution case and have turned hostile. He submits that the applicant is in jail since 28.05.2019 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 and also that the mother as well as the prosecutrix herself have not supported the prosecution case, 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