

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7528 of 2019

- Kuleshwar Sahu S/o Shri Mukesh Sahu Aged About 20 Years
R/o Village Bagtarai, Police Station- Gurur, District Balod,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Panduka, District
Gariaband, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pragalbha Sharma, Advocate
For Respondent/State	: Shri Anurag Verma, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

14/01/2020

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.119/2019 registered at police station Panduka, district Gariyaband (CG) for the offence punishable under Sections 363,366 and 376 IPC and Section 6 of the Protection of Children from Sexual Offences Act,2012.

Case of the prosecution in brief is that a missing report was lodged by the father of the prosecutrix alleging that the applicant has abducted his daughter on the pretext of marriage and developed physical relations with her.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He further submits that the prosecutrix was aged about 17 years of age and she roamed with the applicant to various places and also developed physical relations with him. He submits that the prosecutrix was a consenting party. Lastly, he submits that the applicant is in jail since 15.07.2019 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 nature of allegation and 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.50,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge