

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7358 of 2019**

- Prithviraj Chouhan @ Chotu S/o Mukesh Chouhan Aged About 18 Years R/o School Para, Chotapara, Near Kunva, Behind RPF Police Station, RVH Colony, Police Station Khamtra, Raipur, District (Revenue & Civil) Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Khamtra, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:-	Mr. Yogesh Pandey, Advocate
For Respondent-State	:-	Mr. Akhtar Hussain, PL

Hon'ble Smt. Justice Rajani Dubey
Order on Board**09/01/2020**

- The accused/applicant has moved this first bail application under Section 439 of the Code of Criminal Procedure for releasing his on regular bail during trial in connection with Crime No. 272/2019 registered at Police Station - Khamtra District-Raipur (C.G.) for the offence punishable under Sections 366, 376 (2)(b) of the IPC and Sections 4, 5(b), 6 of the Protection of Children from Sexual

Offences Act, 2012.

- As per the case of prosecution, father of the prosecutrix lodged missing report against the unknown person on 25.05.2019. During investigation police came to know that the present applicant was also not in his house. On 25.05.2019 applicant took prosecutrix and left her at Khamtra market, where she was recovered from her parents. Thereafter, offence has been registered against the present applicant and taken him into custody on 04.06.2019.
- Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. The charge-sheet has been filed. Prosecutrix is above the age of 16 years. He further submits that the prosecutrix is a consenting party. He further submits that the applicant is in jail since 04.06.2019 and he is ready to furnish adequate surety and shall abide by all the directions and conditions which may imposed by this Court, the present applicant may be released on bail.
- On the other hand State counsel strongly opposes the bail application.
- I have heard learned counsel for the parties and perused the entire material available on record.
- Considering the facts and circumstance of the case, in particular the nature of allegations against the applicant and the fact that the applicant is in jail

since 04.06.2019 and as the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

- 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 said Court on each and every date given to him by the said Court.

Sd/-
(Rajani Dubey)
Judge