

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7583 of 2019**

- Suraj @ Nanchu S/o Kunjlal Aged About 21 Years, Abhanpur, Gatapar, At Present R/o Atal Awas Patharidih, Road, Urla, Police Station Urla, District Raipur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : The Station House Officer, Police Station Urla, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Punit Ruparel, Adv.
For Respondent/State	:	Ms. Akshra Amit, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****16/01/2020**

1. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 287/2019 registered at Police Station-Urla, District - Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 (३) of the IPC and 4, 6 of Protection of Children from Sexual Offences Act.
2. The prosecution story, is that it is alleged that the applicant committed rape with the prosecutrix, but during investigation the police is taken the prosecutrix before the Judicial Magistrate, whereas her Section 164 Cr.P.C. Statement is recorded, in which she clearly stated that she called the applicant and ran away with him because parents was trying to perform her marriage, thereafter she performed marriage with applicant. Based on this, offence has been registered against the present applicant.
3. Learned counsel for the applicant submits that the applicant is

innocent and has been falsely implicated in the crime in question. He further submits that as per transfer certificate the age of the prosecutrix is above 16 years and the applicant is in jail since 08.08.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.

4. On the other hand, counsel for the State opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, detention period of applicant and further considering the facts that as per the transfer certificate the prosecutrix is above 16 years old and the applicant is in jail since 08.08.2019 and 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.
7. 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 trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**