

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 7956 of 2019**

Jitendra Cherwa, aged about 20 years, son of Shri Kariram Cherwa, resident of –
Purranpani Beechpara, P.S. Samripatha, Distt. Balrampur – Ramanujganj (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, through the Station House Officer, Police Station Kusmi
(Wrongly mentioned as Saamaripath), District : Balrampur – Ramanujganj (C.G.)

----Non-applicant

For Applicant	:	Mr. Neeraj Mehta, Advocate.
For Non-applicant	:	Ms. Reena Singh, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board**

27/01/2020

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 84/2019 registered at Police Station Kusmi, District : Balrampur - Ramanujganj for the offence punishable under Sections 363, 366, 376-2(N) & 109/34 of the Indian Penal Code, Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Sections 9 and 10 of the Protection of Child Marriage Act.

(2) As per case of the prosecution, applicant was having lover affair with the prosecutrix and after developing physical relations between them, they got married in the court and therefore, FIR to this effect was lodged against him by the parents of the prosecutrix.

(3) Counsel for the applicant submits that applicant has been falsely implicated in the crime in question as there is no evidence available on record to connect the applicant with

the crime in question. He further submits that the prosecutrix herself has turned hostile and not supported the case of the prosecution. He also submits that applicant is in jail since 16.06.2019; charge sheet has already been filed and trial is likely to take some more time for its final disposal and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Considering the facts and circumstances of the case; in particular the fact that applicant is in detention since 16.06.2019; charge sheet has already been filed and the prosecutrix herself has turned hostile and not supported the case of the prosecution; trial is likely to take some more time for its final disposal; without further commenting on merits; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one 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.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)
Judge

Dubey/-

