

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7791 of 2019**

- Laxmi Sarthi S/o Shri Jhitaku Ram Sarthi Aged About 23 Years, Resident Of Village- Kusmura, Thana Kotra Road, Tahsil And District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh, Through : Station House Officer, Police Station- Kotra Road, Raigarh, District- Raigarh, Chhattisgarh, Taluka Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. A.K. Yadav, Adv.
For Respondent/State	:	Mr. Akhtar Hussain, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****21/01/2020**

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. 189/2019 registered at Police Station-Kotra Road, Raigarh District - Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 6 of the Protection of Children From Sexual Offences Act.
2. The prosecution story, is that the father of the prosecutrix lodged FIR on 15.07.2019 that the applicant kidnapped her daughter and committed sexual intercourse with the prosecutrix. 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 the age of the prosecutrix is above 17 years and the applicant is in jail since 30.08.2019, 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 the age of the prosecutrix is above 17 years. The applicant is in jail since 30.08.2019 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**