

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7975 of 2019

- Md. Raza Khan S/o Shukrullah Khan Aged About 30 Years R/o Village Parsiya, Bahoripur, Thana Dantiyathok, District - Gonda (U. P.) At Present R/o Gol Bazar, Khairagarh, Thana Khairagarh, District - Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Khairagarh District - Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

---- Respondent

 For Applicant : Shri Sanjay Agrawal, Advocate
 For Respondent/State : Shri Wasim Miyam, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey
Order On Board

03.01.2020

1. Heard.
2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection with Crime No.340/2019, registered at Police Station Khairagarh, District Rajnandgaon(CG) for the offence punishable under Sections 366, 376 of the IPC and Sections 4, 8 of the Protection of Children from Sexual Offences Act, 2012.
3. As per the case of prosecution, father of the prosecutrix lodged a report that the applicant has abducted his minor daughter on the pretext of marriage and committed sexual intercourse with her.
4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix is aged about

16 years 8 months and she was a consenting party and she herself had gone with the applicant. He submits that the applicant is in jail since 20.10.2019 and trial may take some time for its final disposal therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.
6. Perused the entire material available on record.
7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the detention period of the applicant and further considering that the prosecutrix is aged about 16 years and 8 months, I am of the opinion that present is a fit case to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.
9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.
10. Certified copy as per rules.

Sd/

(Rajani Dubey)
JUDGE