

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8181 of 2019

- Mithlesh Dhruv S/o Shri Bohran Dhruv Aged About 19 Years R/o Village Tarsiwa Police Station Arjuni, Tahsil And District Dhamtari Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Of Police Station Arjnuni , District Dhamtari Chhattisgarh.

---- Respondent

For Applicant	: Shri Samir singh, Advocate
For Respondent/State	: Shri Vinod Tekam, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

03/02/2020

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 212/2019 registered at police station Arjuni, district Dhamtari (CG) for the offence punishable under Sections 363, 366 and 376 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

As per prosecution case, report was lodged by the uncle of the prosecutrix alleging that the prosecutrix was found missing. It is alleged that on search being made, the prosecutrix was recovered from the custody of the applicant.

Counsel for the applicant submits that the applicant has been

falsely implicated in the case. He further submits that the applicant and the prosecutrix were having love affair, she eloped with the applicant and performed marriage. He submits that the prosecutrix is more than 16 years of age. Lastly, he submits that the applicant is in jail since 03.09.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the detention period of the applicant, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond in the sum of Rs.25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail.

Sd/-
(Rajani Dubey)
Judge