

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8448 of 2019**

Pradeep Kumar Nayak, Aged about 36 years, S/o – Ramesh Kumar Nayak (wrongly mentioned as order sheet in Rameshwar Nayak), R/o – Abadipara, Ward No. 16, Anda, District Durg (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station – Anda, District Durg (C.G.)

----Respondent

For Applicant : Mr. Navin Shukla, Advocate.
For Non-applicant/State : Ms. Reena Singh, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****07/02/2020**

(1) The accused/applicant has preferred 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. 35/2019 (wrongly mentioned in order sheet as Crime No. 35/2018) registered at police Station Anda, District Durg (C.G.) for the offence punishable under Section 376 of the Indian Penal Code and Section 6 of Protection of Children from Sexual Offence Act, 2012.

(2) Case of the prosecution, in brief, is that applicant committed sexual intercourse with the prosecutrix after abducting her on the pretext of marriage, as a result thereof she got five months pregnancy and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has falsely been implicated in the case as there is no evidence available on record connecting the applicant with the crime in question. He also submits that applicant is in jail since 25.04.2019; and the charge

sheet has already been filed and, therefore, the 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 appearing for the parties and perused the case diary with utmost circumspection.

(6) Taking into consideration the facts & circumstances of the case; further considering the nature and gravity of the offence and the facts that applicant is languishing in jail since 25.04.2019; charge sheet has already been filed; trial is likely to take some time for its final disposal and no custodial interrogation is required; this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

(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 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

