

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8247 of 2019**

Dilip Pali, son of Loknath Pali , aged about 26 years, R/o. Village Birgahni, P.S. Jarhagaon, District Mungeli, at present Gali No. 1, near Sahu Kirana Store, Santoshi Nagar, P.S. Tikrapara, Raipur, District Raipur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : The Station House Officer, Police Station Tikrapara, District Raipur (C.G.)

----Non-applicant

For Applicant	: Mr. Love Kumar Ramteke & Mr. C.P. Soni, Advocates.
For Non-applicant/State	: Mr. B.L. Sahu, Panel Lawyer.
For Objector	: Mr. Afroz Khan, Advocate.

Hon'ble Smt. Justice Rajani Dubey**Order On Board****04/02/2020**

(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. 525/2019 registered at police Station Tikrapara, District Raipur (C.G.) for the offence punishable under Sections 363, 366 & 376 of the Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief is that, on the pretext of marriage present applicant committed sexual intercourse with the prosecutrix against her will and, thereby, committed the aforesaid offence.

(3) Counsel for the applicant submits applicant has been falsely implicated in the crime in question as he has not committed any offence. He further submits that the applicant is in

jail since 27-08-2019; charge sheet has already been filed; no useful purpose would be served in further detaining him in jail and the prosecutrix, in her statement recorded under Section 164 of the Cr.P.C., has not supported the case of the prosecution and has turned hostile and, therefore, the applicant is entitled to 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 fact the applicant is in detention since 27-08-2019; and the trial is likely to take some time for its final disposal and no further custodial interrogation is required; 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 bail 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 till disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge

D/-

