

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 8451 of 2019**

Rakesh Kumar, aged about 23 years, S/o Jivan Say Agahariya, R/o Udhanapur,  
Thana Khadgawa, Distt. Koriya (C.G.)

**---- Applicant****Versus**

State of Chhattisgarh, Through Police Station Manendragarh, Distt. Koriya (C.G.)

**----Non-applicant**

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

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**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. 196/19 registered at police Station Manendragarh, Distt. Koriya for the offence punishable under Sections 363, 366, 376(2)/34 of the Indian Penal Code and Sections 4 & 6 of Protection of Children from Sexual Offence Act, 2012.

(2) Case of the prosecution, in nutshell, is that the applicant had taken the prosecutrix to various places and committed continuously sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Learned counsel for the applicant submits that prosecutrix is a major girl and she is consenting party to act of the applicant and she has visited various places with the applicant. He further submits that as the applicant is in custody since 27.07.2019; charge sheet has already been filed and the trial is likely to take some for its final disposal 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 nature and gravity of the offence and the facts that applicant is languishing in jail since 27.07.2019; charge sheet has already been filed against the applicant; and trial is likely to take some time for its final disposal; 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/-

