

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8506 of 2019

- Prakash Kumar Agaria S/o Ghasiya Ram Agaria Aged About 19 Years R/o Village Along, Police Station Shyang District Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Shyang, District Korba, Chhattisgarh

---- Respondent

For Applicant	: Shri S.V.Purohit, Advocate
For Respondent/State	: Ms. Akshara Amit, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

10/02/2020

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. 14/2019 registered at police station Shyang, District Korba (CG) for the offence punishable under Sections 363, 366 and 376 IPC and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

Case of the prosecution in brief is that report was lodged by father of the prosecutrix alleging that the applicant has abducted his daughter who is a minor and thereafter subjected her to rape.

Counsel for the applicant submits that the applicant has been falsely implicated in the case. He submits that the prosecutrix is aged

about 17 years and that she was having love affair with the applicant. He further submits that the prosecutrix has not supported the prosecution case and turned hostile. He submits that the applicant is in jail since 10.08.2019 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 and also that during trial, the prosecutrix has turned hostile, 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