

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8525 of 2019

- Manish Nayak S/o Ramesh Nayak Aged About 19 Years R/o Village Mohlai Kurchipara P. S. Kondagaon District Kondagaon Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The P. S. Kondagaon District Kondagaon Chhattisgarh

---- Respondent

For Applicant : Shri Praven K. Tulsyan, Advocate
For Respondent/State : Shri V.K.Agrawal, PL
None present on behalf of the complainant though notice has been served.

Hon'ble Smt. Justic Rajani Dubey

Order On Board

28/02/2020

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.231/2019 registered at police station Kondagaon, District Kondagaon (CG) for the offence punishable under Sections 363,366,376, 376(2)(n) and 376(3) IPC and Section 6 of the Protection of Children from Sexual Offences Act.

As per prosecution case, a missing report was lodged by the father of the prosecutrix alleging that his daughter was missing. On search being made by the police, she 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 prosecutrix has not supported the prosecution case before the trial court. He submits that the applicant is in jail since 23.09.2019 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