

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5029 of 2021

- Munni Lal Kurre @ Guddu Kurre, S/o Lt. Shri Babu Lal Kurre, Aged About 36 Years R/o - Village - Mopki, Bhatapara Gramin, Balodabazar, District - Balodabazar, Bhatapara Chhattisgarh.,

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer Police Station - Balodabazar, District - Balodabazar, Bhatapara Chhattisgarh.

---- Respondent

For Applicant	: Shri Ramsajivan, Advocate
For Respondent /State	: Ms. Shubha Shrivastava, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board By Virtual Hearing

23/08/2021

The applicant has filed this second 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.590/2019 registered at police station Baloda Bazar, district Baloda Bazar-Bhatapara (CG) for the offence punishable under Sections 363,366,376,368 and 34 IPC and Section 4 of the Protection of Children from Sexual Offences Act.

The first bail application was dismissed as withdrawn with the liberty to renew the same after examination of the prosecutrix vide order dated 04.03.2020 passed in M.Cr.C. No. 8388/2019.

As per prosecution case, report was lodged by the complainant

(brother of the prosecutrix) alleging that the applicant took away the prosecutrix from her lawful guardianship. After investigation, 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 herself has not supported the prosecution case. He submits that the applicant is in jail since 13.11.2019 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 fact that the prosecutrix has not supported the prosecution case, 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