

HIGH COURT OF CHHATTISGARH, BILASPURMCRC No. 8975 of 2021

1. Junesh Tirki S/o Shivram Tirki (wrongly mentioned as 'Shivaram' in C.C.) Aged About 22 Years R/o Village Jaamjhariya, Police Station-Sitapur, District- Sarguja, Chhattisgarh.

---- Applicant

Versus

1. State Of Chhattisgarh Through Police Station- Sitapur, District- Sarguja, Chhattisgarh.

---- Respondent

For Applicant	Ms Monika Singh & Mr. Mohit Kumar, Advocates
For Respondent /State	Mr. Arjit Tiwari, Panel Lawyer

Order on BoardByHon'ble Shri Justice Goutam Bhaduri15/12/2021

1. Heard.
2. The applicant has preferred this bail application under Section 439 of the Cr.P.C. for grant of bail as he has been arrested in connection with Crime No.09/2021, registered at Police Station Sitapur, District Sarguja (CG), for the offence under Sections 363, 366, 376(3), 376(2)(n), 506 Part II of the Indian Penal Code and Sections 3(A)/4(2), 5(1)/6, 5(j)(ii)/6 of the Protection of Children from Sexual Offences Act, 2012.
3. Case of the prosecution, in brief, is that the applicant enticed away the prosecutrix, who is a minor, from the lawful custody of her parents and committed forcible sexual intercourse with her and thereby she became pregnant.

4. Learned counsel for the applicant would submit that the applicant has been falsely implicated. According to the learned counsel, she was in voluntary company of the applicant. Ms Monika Singh, learned counsel would also submit that the prosecutrix has been examined before the Court below and she has completely disowned the incident and has not supported the prosecution case. Even her parents have also not supported the case of the prosecution.
5. Learned counsel for the State would not dispute the statement of the prosecutrix and her parents.
6. Considering the entire facts situation of the case, as also for the fact that the applicant is in jail since 5-1-2021 and the charge sheet has already been filed, I am of the opinion that present is a fit case to release the applicant on regular bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.25,000/- with one surety in the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.
8. Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
Judge

Gowri