

**(2019) 10 CHH CK 0172**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 5478 Of 2019

Aakash Patel

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** Oct. 22, 2019

**Acts Referred:**

- Code Of Criminal Procedure, 1973 - Section 439
- Indian Penal Code, 1860 - Section 363, 366, 376(2)(N)
- Protection Of Children From Sexual Offences Act, 2012 - Section 4, 6

**Hon'ble Judges:** Rajani Dubey, J

**Bench:** Single Bench

**Advocate:** Vikash Pradhan, Akhtar Hussain

**Final Decision:** Allowed

**Judgement**

Rajani Dubey, J

1. Heard.

2. This is the first bail application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicant, who has been arrested in connection

with Crime No.84/2019, registered at Police Station Pithora, District Mahasamund(CG) for the offence punishable under Sections 363, 366, 376 (2)

(N) of the IPC and Sections 4, 6 of the Protection of Children from Sexual Offences Act, 2012.

3. As per the case of prosecution, father of the prosecutrix lodged a report against the applicant that on the pretext of marriage, the applicant took

away the prosecutrix from the lawful custody of her guardian and committed sexual intercourse with her.

4. Learned counsel for the applicant submits that the applicant has not committed any offence. The prosecutrix is a consenting party and she is aged more than 17 years. He submits that the applicant is in jail since 30.6.2019 and trial will take some time for its final disposal, therefore, the applicant may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. Perused the entire material available on record.

7. Considering the facts and circumstances of the case, in particular the nature of allegations against the applicant and the fact that the applicant is in jail since 30.6.2019, I am of the opinion that present is a fit case to release the applicant on bail.

8. Accordingly, the bail application filed under Section 439 Cr.P.C. is allowed.

9. It is directed that the applicant shall be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed till the disposal of the trial.

10. Certified copy as per rules.