

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 545 of 2018

Pradeep Kumar Miri S/o Ranjeet Miri, Aged about 25 years, R/o. Indira Nagar, Sarsiva, P.S. Sarsiva, District- Balodabazar- Bhatapara (C.G.).

---- Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station- Sarsiva, District Balodabazar- Bhatapara (C.G.).

---- Respondent

For Appellant	:	Mr. Raghvendra Pradhan, Advocate
For Respondent	:	Mr. Neeraj K. Sharma, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Judgment on Board

22/03/2018

1. Heard.
2. The applicant has preferred first application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 272/2017 registered at Police Station- Sarsiva, District- Balodabazar- bhatapara (C.G.) for the offence punishable under Sections 363, 366, 378 of IPC and Section 18 & 4 of the Protection of Children from Sexual Offences Act, 2012.
3. The applicant has been arrested by the Police of Police Station- Sarsiva on 02/11/2017 for the above offence. It is alleged that the applicant by alluring the minor daughter (prosecutrix) of complainant – Ghorelal Khute, took with him and committed sexual intercourse with her.
4. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocence and has been falsely implicated in the present case. He further submits that the evidence collected by the prosecution is not prima facie sufficient to hold the applicant guilty for the aforesaid offences. From the evidence, it seems that the prosecutrix was the consenting party and she was aged about 18 years. Even after the advice of doctor, no ossification test of the prosecutrix was performed. He further submits that applicant is in jail since 02/11/2017, charge-sheet has been filed, and the trial will likely to take some time to conclude, therefore, the applicant may be released on bail.

5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the facts and circumstances of the case, particularly, as per record, the age of the prosecutrix is about 16 years and no ossification test was performed even after the advice of the doctor; the applicant is in jail since 02/11/2017; charge-sheet has already been filed; and the trial will likely to take some time to conclude, this court is inclined to release the applicant on bail.
8. Accordingly, M.Cr.C. No. 545/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-

**Judge
Arvind Singh Chandel**