

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1634 of 2018

Lomesh Kurre, S/o Puranjan Kurre, Aged about 24 years, R/o Village- Devgathiya, Police Chowki- Damapur, Police Station- Kunda, District- Kabirdham (C.G.).

---- Applicant

Versus

State of Chhattisgarh, through Station house Officer, Police Station- City Kotwali- Mungeli, District- Mungeli (C.G.).

---- Respondent

For Applicant	:	Mr. Shakti Singh Thakur, Advocate
For Respondent	:	Ms. M. Asha, PL

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

24/04/2018

1. The applicant has preferred this application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 580/2017 registered at Police Station- City Kotwali, District- Mungeli (C.G.) for the offence punishable under Sections 354, 294 and 506 of IPC & Section 11 of the POCSO Act, 2012.
2. As per the prosecution story on 14/07/2017, prosecutrix, student of class-10th had lodged a report alleging that at about 09:30 am, when she was going to take bath at river, at that time present applicant forcibly took her to his house and tried to outrage her modesty. When she cried, the applicant gave threatening to kill. The incident was witnessed by Mani Bai and Dashrath, brother of the prosecutrix. On the basis of above report, offence was registered and the applicant was arrested.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecutrix (PW1) and his brother have not supported the prosecution case and have been declared hostile. He further submits that the applicant is in custody since 18/01/2018 and the trial will likely to take some time to conclude, therefore, he may be enlarged on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that the prosecutrix and her brother have turned hostile, without further commenting on merit of the case, this court is inclined to release the applicant on bail.
7. Accordingly, MCRC. No.1634/2018 is allowed. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 10,000/- 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