

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1635 of 2018

Sunil Surywanshi S/o Rajkumar Surywanshi, Aged about 19 years, R/o Village- Birkona, Police Station- Koni, Distirict- Bilaspur

---- Applicant

Versus

State of Chhattisgarh Through Officer-in-Charge, Police Station- Koni Bilaspur Tahsil & district- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Badruddin Khan, Advocate
For Respondent	:	Mr. Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel
Judgment on Board

24/04/2018

1. Heard.
2. 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. 55/2017 registered at Police Station- Koni, Bilaspur (C.G.). for the offence punishable under Sections 363, 366 and 376 of IPC & Section 4 of the POCSO Act.
3. As per the prosecution story mother of the prosecutrix, Laxmin Bai made a report stating therein that on 08/02/2017, she was sleeping with her children, at about 10-11 pm she woke up for drinking water and found that her elder daughter (prosecutrix), aged about 16 years was not in the room. She told the incident to her husband and brother-in-law and they searched the prosecutrix, but not found. During the course of inquiry, the prosecutrix was recovered from the possession of present applicant on 23/03/2017. It was found that the applicant

had taken away the prosecutrix with him and committed sexual intercourse with her. Offence was registered and the applicant was arrested on 23/03/2017.

4. 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 was aged above 16 years on the date of incident, she was consenting party and she has not supported the case of the prosecution during her court statement. He further submits that the applicant is in jail since 23/03/2017 i.e. for about 1 year, therefore, he may be enlarged 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 above facts and circumstances of the case, particularly considering that the prosecutrix in her Court statement has not supported the case of the prosecution. Moreover, the applicant is in jail since 23/03/2017 and the trial will likely to take some more time to conclude, this court is inclined to release the applicant on bail.
8. Accordingly, MCRC. No.1635/2018 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**