

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7896 of 2017

- Vinod Singh Marawi S/o Mahendra Singh, Aged About 19 Years R/o Village Palgadi, Dhodhakarcha, P. S. Darima, District Surguja Chhattisgarh , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Darima District Surguja Chhattisgarh , Chhattisgarh

---- Respondent

For Applicant : Mr. Sunil Tripathi, Advocates.
For Respondent : Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

07/03/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.134/2016, registered at Police Station– Darima, District– Surguja(C.G.) for the offence punishable under Sections 363, 366(2)(क़) of the Indian Penal Code and Sections 3/4 of POCSO Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out against this applicant, on the basis of the material present in the charge-sheet filed against him. The trial against the applicant is getting

delayed for the reason that prosecutrix is not appearing before the trial Court. Applicant is in jail since 29.9.2016. He is ready to abide by all the conditions and directions, which may be imposed while granting bail to him. Hence, it is prayed that applicant be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. No case is made out for grant of bail to this applicant, hence, he is not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. It is alleged that on the date of incident on 25.9.2016 when the prosecutrix had been to the fields on answer the call of nature at about 2 p.m., in the afternoon, it was at that time applicant caught hold of her and by taking her to a nearby place, committed rape with her, thereafter, applicant kept the prosecutrix in confinement till the morning of the next day. Sister of prosecutrix lodged FIR on 28.9.2016 thereafter the prosecutrix was recovered and on the basis of the statement given by her and the offence was registered against this applicant. The charge-sheet was filed against this applicant on 14.12.2016 and as per the information given by the counsel for applicant, after passing of more than one year the trial against this applicant has still not concluded and it is also submitted that the prosecutrix has not turned up for her examination before the concerned Court, hence, looking to the delay in the conclusion of trial against this applicant, I am of this view that this is a fit case where applicant should be released on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Nisha