

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3966 of 2018

Gate @ Sukhdev Sarthi, S/o Dakhal Ram Sarthi, aged about 20 years, Caste-Ghasiya, R/o Kawal Giri, PS Udaipur, Distt. Surguja (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Batouli, Distt. Surguja (C.G.).

---- Respondent

For Applicant	:	Mr. Jitendra Shrivastava, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

02/07/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 5/2018 registered at Police Station- Batouli, Distt., Surguja (C.G.) for the offence punishable under Sections 363,, 366 & 376 (2) (ढ) of IPC and Section 5 ँ/6 of the POCSO Act.
2. As per prosecution story it is alleged that the applicant had taken the prosecutrix, a minor girl aged about 17 years with him by alluring her on the false pretext and kept her in his house for a period of about 1 ½ months. During this period, he committed sexual intercourse with her. On the basis of report made by Dinesh Ram, father of the prosecutrix, offence was registered and the applicant was arrested on 20/01/2018.
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 is a major lady and there was love relation between the applicant and the prosecutrix. The prosecutrix herself had left her house, therefore, no offence is made out against the applicant. He prays for releasing of the applicant 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 statement of prosecutrix recorded under Section 164 of Cr.P.C, without further commenting on merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. 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