

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3977 of 2018

Jalindar @ Jalandhar Sarthi, S/o Prit Ghasiya, aged about 19 years R/o Village Karma, PS Darima, Distt. Surguja (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Darima, 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. 67/2017 registered at Police Station-Darima, Distt.- Surguja (C.G.) for the offence punishable under Sections 363, 366, 376 & 307 of IPC and Section 4 of the POCSO Act.
2. As per prosecution story on 25/05/2017 at about 7:30 pm, when the prosecutrix, a girl aged about 17 years was sit outside her house, it is alleged that the applicant forcibly took her to the field and there he give a blow of stone on her head and committed forcible sexual intercourse with her. The matter was reported and the applicant was arrested on 27/05/2017.
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 and her mother were examined in Court and both have not supported the case of the prosecution and have been declared hostile, therefore, 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 applicant is in custody since 27/05/2017, charge-sheet has been filed and further considering that the prosecutrix and her mother were examined before the Court and have not supported the case of the prosecution and have turned hostile, 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