

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4005 of 2018

Ajay Tandi @ Chotu, S/o Shri Raju Tandi, aged about 19 years R/o. Shriram Bakapur, P.S. Kharihar Road, District Navapada Odisha C/o Village Paditarai, P.S. Nandani, District- Durg (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Supela, District- Durg (C.G.).

---- Respondent

For Applicant	:	Mr. Mateen Siddique, Advocate
For Respondent	:	Mr Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28/06/2018

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. 522/2017 registered at Police Station- Supela, Distt. Durg (C.G.) for the offence punishable under Sections 363, 366 and 376 of IPC and Section 3, 4 and 5 (ठ) of the POCSO Act.
2. As per prosecution story on the basis of report made by Rajendra, brother of the prosecutrix (aged about 17 years), the police has registered the crime. It is alleged that the applicant had induced the prosecutrix to marriage and committed sexual intercourse with her. The applicant was arrested on 05/07/2017.
3. Learned counsel appearing on behalf of the applicant submits that the prosecutrix was a major lady and there was love relation between the

applicant and the prosecutrix. He further submits that the prosecutrix was examined during trial and she has not supported the case of the prosecution and has been declared hostile. He further submits that applicant is in custody since 05/07/2017, therefore, the applicant may be released 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 was examined during trial and has not supported the case of the prosecution and has been declared hostile, further considering that the applicant is in custody since 05/07/2017, 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