

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4006 of 2018**

- Dilip Panika S/o Shital Das, aged about 20 Years R/o Pahari, P.S. Shankargarh, District Balrampur – Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, District Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Rashmi Verma, Advocate on behalf of Shri Jitendra Shrivastava, Advocate.
For Respondent/State	:	Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**16/11/2018**

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 65/2017, registered at Police Station – Shankargarh, District – Balrampur- Ramanujganj, (C.G.), for the offence punishable under Sections 363, 366, 342 & 376 of the Indian Penal Code and Section 4 of POCSO Act.
2. As per the prosecution story, on 16.09.2017, prosecutrix lodged a report to the effect that on 14.09.2017, when she was alone in the house, the Applicant went there and on the false pretext of marriage, took her to vacant house of one Buchu Korva and committed forcible sexual intercourse with her. When she objected, Applicant threatened her and thereafter on the next day morning, he kept her in a jungle, from where she escaped from the clutches of the Applicant. Prosecutrix informed her parents about the whole incident. On the basis of said report, offence has been registered against the Applicant. He has been taken into custody on 17.09.2017.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. She further submits that the prosecutrix has already been examined before the Trial Court. From perusal of her statement, it is clear that, at the time of incident, she was above 18 years of age. From the perusal of her statement, it seems that there was a love relationship between the Applicant and the prosecutrix and also seems that she was a consenting party. In these circumstances, *prima facie*, no offence can be made out against the present Applicant. He is in custody since 17.09.2017 and trial will take time. Therefore, he 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 the parties and perused the case diary.
6. Considering the facts and circumstances of the case and the evidence adduced by the prosecutrix before the Trial Court and the fact that the Applicant is in custody since 17.09.2017, trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge