

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4029 of 2018

- Anurag @ Annu S/o Shri Uttra Kaushal Aged About 19 Years R/o Village Belsari, P. S. Takhatpur, District Bilaspur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Urga, District Korba Chhattisgarh

---- Respondent

For Applicant : Shri Dheerendra Pandey, Advocate.
For Respondent/State : Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

29/06/2018

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. 106/2017, registered at Police Station Urga District Korba (C.G.) for the offence punishable under Section 363, 366 (A), 376 of IPC & Section 4 of POCSO Act.
2. As per the prosecution story, it is alleged that accused/applicant has kidnapped a minor girl aged about 16-17 years and committed sexual intercourse with the prosecutrix. Father of the prosecutrix lodged a report, after investigation charge-sheet has been filed and trial is going on. The applicant is in custody since 27-07-2017.

3. Shri Dheerendra Pandey, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. He further submits that the applicant is in custody since 27.07.2017, the material witnesses have been examined. He further submits that prosecutrix was a consenting party and she left her house at her own will. In her statement, recorded under Section 164 of Cr.P.C. prosecutrix herself stated that she left her house at her own will, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, particularly, evidence collected by the prosecution and further considering the fact that the material witnesses have already been examined, the applicant is in custody since 27-07-2017 and the trial will likely to take some time, 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/-
(Arvind Singh Chandel)
Judge