

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 4026 of 2018

- Gopi Kishan Yadav @ Kisan Yadav S/o Rustam Yadav Aged About 21 Years Caste Bargah, R/o Sambalpur (Chndauridand) Police Station Jainagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Jainagar, District Surajpur Chhattisgarh, District : Surajpur, Chhattisgarh

---- Respondent

For Applicant : Shri Rahul Mishra, 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. 76/2018, registered at Police Station Jainagar District Surajpur (C.G.) for the offence punishable under Section 363, 366, 376/34 of IPC and Section 4 & 6 of the POCSO Act 2012 and Section 3(2) (v) of the Scheduled Tribe (Prevention of Atrocities) Act 2015.
2. As per the prosecution story, it is alleged that accused/applicant took the prosecutrix, aged about 17 years 9 months towards Raigarh from her lawful guardianship of her father, by giving false assurances of marriage. It is further alleged that he detained the prosecutrix in his grandfather's house and during course of detention, he has committed sexual intercourse with the prosecutrix and thereafter left her in her parent's house, matter was reported and the applicant was arrested on 21-03-2018.

3. Shri Rahul Mishra, 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 prosecutrix is a major girl and looking to her statement recorded under Section 164 of Cr.P.C and other material collected by the prosecution it is evident that prosecutrix was and consenting party, therefore, no offense is made out against the applicant, he further submits that charge-sheet has already been filed, the applicant is in custody since 21-03-2018 and trial will likely to take some time, therefore, 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 charge-sheet has been filed, the applicant is in custody since 21-03-2018 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