

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5585 of 2018

Krishna Kumar Sahu, aged about 33 years S/o Sampat Lal Sahu, Caste- Sahu,
R/o Village- Sendura, P.S. Malkharouda, District Janjgir-Champa (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through : The District Magistrate, District Janjgir-Champa
(C.G.).

---- Respondent

For Applicant	:	Mr. Kamlesh Kumar Pandey, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

18/09/2018

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. 241/2017 registered at Police Station- Baradwar, District Janjgir-Champa (C.G.) for the offence punishable under Sections 376 & 506 of the IPC and Sections 4 & 6 of the POCSO Act.
2. As per prosecution story, the present applicant is brother-in-law of the prosecutrix, who is a girl aged about 16 years. It was alleged that on 04/09/2017, the prosecutrix was alone in her house. The applicant went there and after giving threatening to her, committed sexual intercourse with her. A report was made by the prosecutrix. On the basis of the said report, offence has been registered and the applicant has been taken into custody on 14/09/2017.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated. He further submits that the prosecutrix has already been examined before the trial Court. She has not supported the case of the prosecution and has turned hostile. The applicant is in custody since 14/09/2017 and charge-sheet has been filed, 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 both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 14/09/2017, charge-sheet has already been filed and the prosecutrix, examined before the trial Court, has not supported the case of the prosecution and has turned hostile, without further commenting on merits 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. 20,000/- with one 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