

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5501 of 2018

Raja Bharadwaj, aged about 19 years S/o Narayan Bharadwaj R/o Village-
Soinka, P.S. Maro, District- Bemetara (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- the Incharge, Police Station Bilha (Belha),
District- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Bharat Rajput, Advocate
For Respondent	:	Mr. Bhaskar Pyashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13/09/2018

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. 357/2017 registered at Police Station- Bilha (Belha) District- Bilaspur (C.G.) for the offence punishable under Sections 354 (d) (1) and 376 of the IPC and Sections 11 & 12 of the POCSO Act.
2. As per prosecution story, on 19/10/2017 the prosecutrix, a girl aged about 16 years lodged an FIR alleging therein that since 14/12/2016, the present applicant, who is her cousin, is teasing her. It is also alleged that the applicant used to catch her hand and say that he likes her and will to marry her. The applicant always used to sit on her door. On the date of incident also, the applicant came and sat on the door of

her house. On the basis of said report, FIR under Section 354 (2) (1) and Sections, 5, 11 & 12 of the POCSO Act was registered. During investigation, statement of prosecutrix under Section 164 of the Cr.P.C was recorded, wherein she stated that earlier in the month of July, the applicant took her for roaming, where he forcibly made physical relation with her. Therefore, offence under Section 376 of the IPC was later on added. The applicant was arrested on 02/11/2017.

3. Learned counsel appearing on behalf of the applicant submits that initially there was only allegation regarding Section 354 of the IPC. Later on, due to some enmity, the allegation of rape has been made to falsely implicate the present applicant. He further submits that the applicant is in custody since 02/11/2017, charge-sheet has been filed and the trial will likely to take some time, 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 entire facts and circumstances of the case, particularly considering that the applicant is in custody since 02/11/2017, charge-sheet has been filed 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. 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

Rahul