

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5517 of 2018

Devsingh Khusaro S/o Hiralal Khusaro, aged about 26 years, R/o Sirali Bajrang Chauwk, Chowki- Hardibazar Police Station – Kusmunda, District- Korba (C.G.) (Name of the applicant is not mentioned in the impugned order of cause title. Name mention as per the charge-sheet)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station- Tkatghora, District- Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Suryakant Mishra, Advocate
For Respondent	:	Mr. Vaibhav Goverdhan, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

24/08/2018

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. 222/2017 registered at Police Station- Katghora, District- Korba (C.G.) for the offence punishable under Sections 363, 366 and 376 of the IPC and Section 4 of the POCSO Act.
2. As per prosecution story it is alleged that on 13/09/2017, the applicant abducted the prosecutrix, who was a minor girl aged about 16 ½ years from her lawful guardianship and he took her to Maharashtra, there he committed rape with the prosecutrix. A report was made and on that basis offence was registered. The applicant was taken into custody on 08/11/2017.
3. Learned counsel for the applicant submits that the applicant is

innocent and has been falsely implicated in the present case. He further submits that there was love relation between the prosecutrix and the applicant. The prosecutrix herself left her house. The prosecutrix in her statement recorded under Section 164 of the Cr.P.C has not supported the case of the prosecution. The applicant is in custody since 08/11/2017, charge-sheet has been filed and the trial will likely to take some more 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 above facts and circumstances of the case, particularly considering that in the statement of the prosecutrix recorded under Section 164 of the Cr.P.C, she has not supported the case of the prosecution. Further considering that the applicant is in custody since 08/11/2017, charge-sheet has already 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. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel