

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6019 of 2018

1. Chandrika Choudhary S/o Bhagat Ram Choudhary, aged about 32 years,
 2. Balram Choudhary S/o Jham Lal Choudhary, aged about 34 years,
- Both are R/o Salka, Patratoli, Police Station Darima, District- Surguja (C.G.).

--- Applicants

Versus

State of Chhattisgarh, Through District Magistrate Durg, Distt. Durg (C.G.).

---- Respondent

For Applicants	:	Mr. Vaibhav Goverdhan, Advocate
For Respondent	:	Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/09/2018

1. The applicants have preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as they are arrested in connection with Crime No. 96/2018 registered at Police Station- Lakhanpur, District- Surguja (C.G.) for the offence punishable under Sections 363, 366-A and 354 read with Section 34 of the IPC and Sections 7 & 8 of the POCSO Act.
2. As per prosecution story, complainant- Samay Lal Rajwade lodged a written complainant inter alia on the allegations that on 01/06/2018 at about 4:30 am, he along with his wife and nephew were going to unlift the Gobar Karsi and reached near the ground of Puhputra High School and at that time nephew of the complainant i.e. prosecutrix stopped there to attend the call of nature and the compliant and his wife went ahead of her. Suddenly they heard the scream of prosecutrix and

turned back to see to his shock that the prosecutrix was being carried in a car bearing registration No. CG12/3009, looking into which, the complainant ran behind the car and reached Chilbil Basti, where he saw the prosecutrix standing there upon asking her she said that as soon as she got up from her natural call two people came out of the said car and hold her hand against her will and carried her with them in their car and upon her screaming they had left the prosecutrix at Bhillbil Basti. On the basis of the said report, offence has been registered and the applicants have been taken into custody on 01/06/2018.

3. Learned counsel appearing on behalf of the applicants submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecutrix did not know the present applicants previously, though named report has been made against the present applicant. No test identification parade has been performed. He further submits that the applicants are in jail since 01/06/2018, charge-sheet has been filed and the trial will likely to take some time, therefore, the applicants 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 the fact that the applicants are in custody since 01/06/2018, charge-sheet has already been filed and the trial will likely to take some time, without further commenting on merits of the case, I am inclined to release the applicants on bail.

7. Accordingly, the bail application is allowed.

8. It is directed that the applicants shall be released on bail on each of them executing 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