

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6230 of 2018

- Kishore Ramteke, S/o Basant Lal Ramteke, Aged about 22 years, R/o Markatola Police Station Mohala, Distt. Rajnandgaon (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through- Arakshit Kendra Kotwali Rajnandgaon, Distt. Rajnandgaon (C.G.)

---- Respondent

For Applicant	: Shri Arvind Dubey, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

26/09/2018

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. 338/2017, registered at Police Station Arakshit Kendra, Kotwali, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 376 (2) & 323 of the IPC and Section 4 of the POCSO Act.
2. As per the prosecution story, complainant Smt. Chandani Devi Rajput mother of the prosecutrix lodged a report, wherein, it is alleged that on 27.06.2017 at about 11.30 A.M. her daughter aged about 15 years standing near her school at the same time applicant came there and said to her that her brother met with an accident, so she may come with him in his motorcycle, thereafter prosecutrix sit with the applicant in his motorcycle and then the applicant take her to Dongargaon and committed sexual intercourse with her against her will. On the basis of above report, offence has been registered and the applicant has been arrested on 29-06-2017.

3. 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 has already examined before the Trial Court and there she did not support the case of the prosecution, she categorically stated that there was no incident occurred with her, she also admitted the fact that she herself went with the applicant with her own will. Applicant is in custody since 29-06-2017 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 and perused the case diary with due care.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the prosecutrix has already examined before the Trial Court and there she did not support the case of the prosecution, applicant he is in custody since 29-06-2017 and trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him 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