

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6653 of 2018**

Sunderlal Nishad S/o Dhanush Nishad Aged About 22 Years R/o Village- Kumharkhan, P.S.- Bhatapara Gramin, Tahsil-Bhatapara, District- Balodabazar-Bhatapara, Chhattisgarh. (In Jail), District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through P.S.- Bhatapara Gramin, District-Balodabazar- Bhatapara, Chhattisgarh

---- Respondent

For Applicant	: Shri B.L. Dembra, Advocate.
For Respondent/State	: Shri Dilman Rati Minj, Dy. G.A.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

05/10/2018

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. 125/2018, registered at Police Station Bhatapara, Gramin District – Balodabazar – Bhatapara (C.G.) for the offence punishable under Sections 376 and 442 of the IPC and Sections 4 and 6 of the POCSO Act.
2. As per the prosecution story, on 18.04.2018 in the evening, due to cough and cold the prosecutrix, who is a minor girl, went to shop purchasing vicks and when she was returning, on the way, the present applicant caught hold of her hands, took her to his house and committed forcible sexual intercourse with her. Based on this, a report has been lodged against the applicant and he has been arrested on 20.04.2018.

3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. It has been further argued that the prosecutrix in her Court statement has not raised any allegation against the applicant. He also submits that the applicant is in custody since 20.04.2018, charge-sheet has already been filed 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.
6. Considering the facts and circumstances of the case and further considering the fact that the applicant is in custody since 20.04.2018 and 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. 25,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when directed.

Sd/-
(Rajani Dubey)
Judge