

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6636 of 2018**

Kalu Patel, S/o Chhattar Patel, Aged About 22 Years, R/o Shivanagar,
Uslapur, P.S.- Sakri, District : Bilaspur, Chhattisgarh

---- Applicant**Versus**

State of Chhattisgarh, Through The Station House Officer, Police
Station- Sakri, District- Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Shaleen Singh Baghel, Advocate.
For Respondent/State	: Shri Ashutosh Pandey, Panel Lawyer.

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. 91/2018, registered at Police Station Sakri, District – Bilaspur (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 the prosecution story, on 27.05.2018 in the evening, the prosecutrix who is a minor girl, went to collect the keys of cement godown, at that time, the applicant came on motorcycle, caught hold of her hand and on the pretext of marriage he took her on his motorcycle to Raipur. On the way, he went towards the jungle and committed forcible sexual intercourse with her and, thereafter, he refused to marry her and left her at Uslapur on 28.05.2018. Based on this, a report has been lodged against the applicant and he has been arrested on 29.05.2018.

3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case, he is in custody since 29.05.2018, charge-sheet has already been filed and trial will likely to take some time and there is no legally admissible certificate showing the prosecutrix to be minor and 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 29.05.2018 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