

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6685 of 2018

- Pintu @ Narendra Sarthi S/o Ayodhya Prasad Sarthi Aged About 20 Years R/o- Kali Mandir, Civil Line Ward No. 08, Kharsiya, P.S. And Tahsil Kharsiya, District- Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- P.S. Kharsiya, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri F.S. Khare, Advocate.
For Respondent/State	: Shri U.K.S. Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/10/2018

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. 431/2018, registered at Police Station – Kharsiya, District- Raigarh, (C.G.) for the offence punishable under Sections 376, 384 & 506 of IPC and 4 & 5 of POCSO Act.
2. As per the prosecution story, on 29.07.2018, prosecutrix, aged about 18 years lodged a FIR in police station wherein it was alleged that during May 2017 to June 2018, the accused/appellant made friendship with the prosecutrix and thereby pressurized and threatened her to make physical relationship with him. The accused/appellant also demanded money by saying her that he will defame her by uploading the obscene photograph and also tried to blackmail her. It was further alleged that the applicant obtained Rs. 20,000/-, gold chain and a mobile and also demanded Rs. 2,00,000/- due to which prosecutrix attempted suicide. On the basis of said report, offence has been

registered against the applicant and have been taken into custody.

3. Learned counsel appearing on behalf of the Applicant submits that there was love relationship between the Applicant and the prosecutrix. He further states that Applicant is innocent and has been falsely implicated in the case by the prosecutrix due to pressure of her parents. Prosecutrix is a major girl. He further submits that the incident started from May 2017 and FIR has been lodged after one year. Delay in lodging FIR is not explained properly. The accused/applicant is in custody since 30.07.2018. Therefore, he 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 the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the applicant is in custody since 30.07.2018 and trial is 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 solvent 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