

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6920 of 2018**

- Dinesh Kumar, S/o Ravi Kumar, aged about 25 years, R/o Kandakhal, Police Station- Titlagarh, District- Balangir (Orissa). Present address – House of Babulal Kumhar, Kanshiram Nagar, Ward No.- 44, Q.N. 190, P.S.- Telibandha, District- Raipur, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through- P.S. Pandari, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Amarnath Pandey, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/10/2018

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. 238/2018, registered at Police Station – Pandari, District- Raipur, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 4 & 6 of POCSO Act, 2012.
2. As per the prosecution story, on 22.06.2018, Complainant Sevti Sahu (mother of the prosecutrix), lodged a report in police station wherein it was alleged that in the intervening night of 20.06.2018 at 1:30 a.m., present Applicant called the prosecutrix, who is a girl aged about 17 years and 3 months and they both went outside to roam around in an Honda Activa (Vehicle). During the ride, the Applicant started coming physically closed to the prosecutrix and tried to commit forcible sexual intercourse with her. On the basis of the said report, offence has been registered against the Applicant and has been taken into custody on 23.06.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that there was love relationship between the Applicant and the prosecutrix, due to which prosecutrix herself was ready to go out with the Applicant on her own will in the night. Statement of the prosecutrix has been recorded under Section 164 of Cr.P.C. wherein she does not support the case of the prosecution. The Applicant is in custody since 23.06.2018. 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 and perused the case diary.
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 23.06.2018 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