

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6691 of 2018

- Mukesh Jangde S/o Shri Rameshwar Prasad Jangde Aged About 22 Years R/o Station Para, Ward No. 18, Sakti, Police Station- Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through S.H.O. Of The Police Station- Kharsia, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Abhishek Saraf, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/11/2018

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. 396/2018, registered at Police Station – Kharsia, District- Raigarh (C.G.) for the offence punishable under Section 376 of the IPC and Sections 4 & 6 of the POCSO Act.
2. As per the prosecution story, on 12.07.2018, a written report was made by Smt. Chandmati Khute mother of the prosecutrix who is a girl aged about 14 years, wherein it was alleged that present Applicant has done forcible sexual-intercourse with her daughter, due to which she become pregnant. On the basis of said report, offence has been registered against the Applicant and he has been arrested on 16.07.2018.
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 submits that during trial, the prosecutrix and her mother

Chandmati Khute were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the Applicant is in custody since 16.07.2018, charge-sheet has already filed and trial will take some time. 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that during trial prosecutrix and her mother Chandmati Khute were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the Applicant is in custody since 16.07.2018, charge-sheet has already filed and trial is likely to take some time, without further commenting on merits 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 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