

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6751 of 2018

Guddu Pathari, S/o Shriram Pathari, Aged About 27 Years, R/o Village - Ghurma Markundi Tola No. 7, Ward No.9, Police Station - Chooan, District : Sonbhadra, Uttar Pradesh

---- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station - Baikunthpur, District- Korla (C.G)

---- Respondent

For Applicant	: Shri R.V.R. Rajwade, Advocate.
For Respondent/State	: Smt. M.Asha, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

10/10/2018

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. 57/2018, registered at Police Station Baikunthpur, District – Korla (C.G.) for the offence punishable under Sections 363, 366 and 376 of the IPC and Sections 4 and 8 of the POCSO Act.
2. The prosecution story in brief is that the applicant has abducted the prosecutrix from her lawful guardianship, detained her and during the course of detention, committed sexual intercourse with her against her consent. Based on this, an offence has been registered against the applicant and he has been arrested on 06.04.2018.

3. Learned counsel appearing on behalf of the Applicant submits that the prosecutrix of her own went along with the applicant. He further submits that the prosecutrix, on the date of incident was major. He also submits that the applicant is in custody since 06.04.2018, charge-sheet has already been filed, 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 without further commenting anything on merit, 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