

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6936 of 2018**

1. Vinod Ku. Lahre, S/o Umend Lahre, R/o Khamhi, Police Station- Lormi, District- Mungeli, (C.G.).
2. Raju Bareth, S/o Rameshwar @ Rameshar Bareth, R/o Amlidih, Police Station- Lormi, District- Mungeli, (C.G.).

---- Applicants**Versus**

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

---- Respondent

For Applicants	: Shri Pallav Mishra, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**30/10/2018**

1. Counsel for the Applicants submits that he wants to withdraw the application on behalf of Applicant No. 02 namely Raju Bareth. However, he prays that liberty should be granted him to file afresh bail application after examination of the prosecutrix before the Trial Court.
2. Thus, this MCRC which relate to Applicant No. 02 is dismissed as withdrawn with the aforesaid liberty.
3. The Applicant No. 01 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. 319/2018, registered at Police Station- Lormi, District- Mungeli, (C.G.) for the offence punishable under Sections 354, 363, 34 of the IPC and Section 8 of POCSO Act.
4. As per the prosecution story, on 13.08.2018, prosecutrix, who is a girl, aged about 15 years, lodged a report in the police station wherein it was alleged that on 09.08.2018, she alongwith the present accused/Applicants went for the purpose of employing her of construction work on a motorcycle. In the mid-way near the jungle, both the accused/Applicants started molesting her, to which she resisted. When Applicant No. 2 Raju Bareth was misbehaving

with the prosecutrix in the jungle, at the same time some boys came there and enquired about them and started shooting their video. She then quickly rushed to her house and narrated the whole story to her family. On the basis of the said allegations, offence has been registered against the accused/Applicants and they have been taken into custody on 13.08.2018.

5. Learned Counsel appearing on behalf of the Applicant No. 01 submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that in the statement of the prosecutrix recorded under Section 164 of Cr.P.C., she does not stated anything against the present Applicant No. 01. He is in custody since 13.08.2018 and trial will take some time. Therefore, he may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that prosecutrix in her statement recorded under Section 164 of Cr.P.C.. she does not stated anything against the present Applicant No. 01. He is in custody since 13.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release Applicant No. 01 namely Vinod Ku. Lahre on bail.
9. Accordingly, the bail application is allowed.
10. It is directed that the Applicant No. 01, 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

