

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7324 of 2018

- Rinku Banjara, Son of Devlal Banjara, Caste Banjara, aged about 23 years, Resident of Village near Nayakpara High School, Tahsil Basna, Police Station Basna, Civil and Revenue District Mahasamund (C.G.).

---- Applicant

Versus

- State Of Chhattisgarh Through: Station House Officer, Police Station, Basna, Civil and Revenue District Mahasamund, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sunil Verma, Advocate.
For Respondent/State	: Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/10/2018

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. 86/2018, registered at Police Station Basna District Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376 of the IPC and Section 4 & 6 of the POCSO Act.
2. As per the prosecution story, on 27.02.2018 a written report was made by the prosecutrix a girl who is aged about 16 years, wherein, it was alleged that, on the pretext of marriage applicant had committed sexual intercourse with the prosecutrix, on the basis of said report, offence has been registered against the applicant and he has been taken on custody on 22.03.2018.
3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case, there was a love relationship between both of them, due to pressure, a false report has been lodged against the applicant. He

further submits that prosecutrix and her mother both are examined before the Trial Court and they have not supported the case the of the prosecution and turned hostile, charge-sheet has already been filed, the applicant is in custody since 22-03-2018 and trial will 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 fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that the prosecutrix and her mother both are examined before the Trial Court and they have not supported the case the of the prosecution and turned hostile, charge-sheet has been filed, the applicant is in custody since 22-03-2018 and trial will 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. 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