

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7302 of 2018

- Ajay S/o Seetal Baghel Aged About 19 Years R/o Village- Raipura, Police Station- Baradwar, District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Baradwar, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant : Shri Deepak Kumar Singh, Advocate.
For Respondent/State : Smt. Smita Ghai, 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. 111/2018, registered at Police Station Baradwar District Janjgir Champa (C.G.) for the offence punishable under Section 363, 366, 376/34 of IPC and Section 4 of the POCSO Act.
2. As per the prosecution story, on 25.04.2018, mother of the prosecutrix namely Tiharin Bai lodged a report of missing her daughter/prosecutrix a girl aged about 13 years against unknown person. On 26.04.2018, prosecutrix returned to her home thereafter her statements were recorded, on the basis of her statement offence has been registered against the applicant and he has been arrested on 22.05.2018.

3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case, he further submits that during trial prosecutrix has been examined before the Trial Court and she has not stated anything against the present applicant and turned hostile, the applicant is in custody since 22-05-2018, charge-sheet has already been filed and trial will likely to take some time, therefore, he 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, the evidence collected by the prosecution and further considering the fact that the prosecutrix has already been examined before the Trial Court and she has not stated anything against the present applicant and turned hostile, the applicant is in custody since 22-05-2018, charge-sheet has been filed and trial will likely to take some time, without further commenting on merit 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