

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7998 of 2018

- N. Akhil S/o N. Gopi Aged About 20 Years R/o Street No. 8 Behind Dena Bank Nandini Road Power House Bhilai District Durg Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Chhawani, Bhilai District Durg Chhattisgarh

---- Respondent

For Applicant	: Shri Anurag Jha, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/11/2018

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. 584/2018, registered at Police Station Chhawani, Bhilai District Durg (C.G.) for the offence punishable under Section 363, 366 & 376 of the IPC and Section 5 (L) & 6 of the POCSO Act.
2. In this case prosecutrix is a girl aged about 16 ½ years, allegations against the present applicant is that on 01.08.2018 he abducted the prosecutrix and committed forcible sexual intercourse with her, thereafter the matter was reported by father of the prosecutrix. On the basis of said report, offence has been registered against the present applicant and he has been arrested on 01.08.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case, there was a love relationship between both of them. He further submits that in the statement of prosecutrix recorded under Section

164 of Cr.P.C. she did not support the case of the prosecution and turned hostile, the applicant is in custody since 01.08.2018 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that in the statement of prosecutrix recorded under Section 164 of Cr.P.C. she did not support the case of the prosecution and turned hostile, the applicant is in custody since 01.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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