

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8000 of 2018

- Dev Kukmar Patel S/o Maniram Patel Aged About 29 Years R/o Village Markaam Godhi, Tahsil Sakti, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The District Magistrate, District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant	: Shri Hari Agrawal, Advocate.
For Respondent/State	: Shri Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

01/11/2018

1. The applicant has preferred this Second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 360/2017, registered at Police Station – Sakti, District- Janjgir-Champa (C.G.) for the offence punishable under Sections 376 of the IPC and Section 6 of the POCSO Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the prosecutrix before the Trial Court vide order dated 17.07.2018 passed in MCRC No. 2589/2018.
3. As per the prosecution story, on 19.12.2017, a written report was made by the prosecutrix who is a girl aged about 15 years, stating that on 17.12.2017 at about 6 PM, present applicant who is a distant relative of the prosecutrix, came to her house and took her on his motorcycle to repair her footwear. It was further alleged that applicant took her at the backyard of the old Tahsil Office and committed forcible sexual-intercourse with her. On the basis of said report, offence has been registered against the applicant and he has been taken in

custody on 19.12.2017.

4. Learned Counsel appearing on behalf of the applicant submits that the Applicant is innocent and has been falsely implicated in the case, due to some dispute between them, a false report has been lodged by the prosecutrix. He further submits that during trial, the prosecutrix, her mother, father and sister were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, applicant is in jail since 19.12.2017, charge-sheet has already filed and trial will take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that during trial prosecutrix, her mother, father and sister were examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, applicant is in jail since 19.12.2017, charge-sheet has already filed and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. 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 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