

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8388 of 2018**

Durgesh Kumar Dhruve S/o Deshiram Dhruve, aged about 21 years, R/o Village- Tarkori, Tahsil & Police Station Dhamdha, District Durg (C.G.).

--- Applicant

Versus

State of Chhattisgarh Through Station House Officer, Police Station Berla, District Bemetara (C.G.).

---- Respondent

For Applicant	:	Mr. Sanjeev Kumar Sahu, Advocate
For Respondent	:	Mr. Vivek Singhal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13/11/2018

1. The applicant has preferred this Second bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 9/2018 registered at Police Station Berla, District Bemetara (C.G.) for the offence punishable under Sections 363, 366 (A) & 376 of the IPC and Sections 5 (L) & 6 of the POCSO Act.
2. First bail application of the applicant was dismissed as withdrawn with liberty to file afresh after recording of evidence of the prosecutrix vide order dated 02/07/2018 passed in MCRC No. 4046/2018.
3. In this case, the prosecutrix is a minor girl. The allegation against the present applicant is that he abducted the prosecutrix and on the pretext of marriage committed sexual intercourse with her. A report was made by the mother of the prosecutrix. On the basis of said

report, offence has been registered. Statement of prosecutrix was also recorded and the applicant was taken into custody on 04/03/2018.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecutrix has already examined before the trial Court. Though in her examination-in-chief, she has supported the case of the prosecution, during cross examination, she has categorically admitted the fact that she herself had left her house alone and herself returned to her house. She further admitted the fact that the applicant has not committed any physical relationship with her. He further submits that the applicant is in custody since 04/03/2018 and trial will take time, therefore, the applicant 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 both the parties.
7. Considering the entire facts and circumstances of the case, particularly considering that the prosecutrix has not supported the case of the prosecution, the applicant is in custody since 04/03/2018 and trial will likely to take some time, without further commenting no merit 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. 20,000/- with one 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

Rahul