

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8417 of 2018**

Vijay @ Baba Basor S/o Chitrasen Basor, aged about 19 years, R/o Ward No. 14, Sarai Dafai Ledari, P.S. Jhagarakhand, District Korea (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station Jhagarakhand, District Korea (C.G.).

---- Respondent

For Applicant	:	Mr. Ishwar Jaiswal, Advocate
For Respondent	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

15/11/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 162/2017 registered at Police Station Jhagarakhand, District Korea (C.G.) for the offence punishable under Sections 457, 380, 506, 354, 354 (A) and 354 (B) of the IPC and Section 8 of the POCSO Act.
2. As per prosecution story, on 02/10/2017 the prosecutrix, a girl aged about 13 years along with her parents went to Police Station and made a report stating therein that on 26/09/2017 at about 11 pm, she was sleeping in a room. Her mother and elder brother were also sleeping in the same room. It is alleged that at about 3 am, the applicant entered into the said room. He closed mouth of the prosecutrix and threatened her not to make noise, and then he stolen Rs. 2000/- from purse of her

mother. It was also alleged that the applicant also tried to outrage her modesty. On being shouting, mother and brother of the prosecutrix woke up and the applicant fled away from the spot. On the basis of said report, offence has been registered and the applicant has been arrested on 16/11/2017.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case due to enmity. He further submits that there is delay in lodging the FIR, which has not been properly explained. The applicant is in custody since 16/11/2017, charge-sheet has been filed, he has no criminal antecedent and trial will take time, therefore, the applicant 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 both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 16/11/2017, charge-sheet has been filed, he has no criminal antecedent and the 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 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