

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8438 of 2018**

- Tarachand Bandhe, S/o Lahiram Bandhe, aged about 23 years, R/o Village Amethi, Police Station Arang, District- Raipur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police of Police Station Arang, District - Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Shri C.P. Laharey, Advocate.
For Respondent/State	:	Shri Sangharsh Pandey, Dy. G.A.

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 Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 349/2018, registered at Police Station – Arang, District - Raipur, (C.G.), for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of POCSO Act.
2. As per the prosecution story, on 05.08.2018, a written complaint has been filed by the prosecutrix, who is a girl aged about 16 years and four months wherein it has been alleged that on 03.08.2018 when she was attending the call of nature, the Applicant came there and on the pretext of marriage committed forcible sexual intercourse with her. On the basis of the said report, offence has been registered against the present Applicant. He has been taken into custody on 05.08.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that there was a love relationship between the

Applicant and the prosecutrix and Applicant has made physical relationship with the prosecutrix with her consent. Prosecutrix in her statement, recorded under Section 164 of Cr.P.C., admitted the fact that she herself has left the house on her own will and hence, has not supported the case of the prosecution. Applicant is in custody since 05.08.2018 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 and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Prosecutrix in her statement, recorded under Section 164 of Cr.P.C., has not supported the case of the prosecution, Applicant is in custody since 05.08.2018 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