

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8976 of 2018**

- Radheshyam Banjare, S/o Puniram Banjare, aged about 18 years, R/o Balooda, Police Station & Tahsil Balooda, District- Janjgir-Champa, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through-The Station House Officer, P.S. Balooda, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vivek Singhal, Advocate.
For Respondent/State	: Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/12/2018

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. 226/2018, registered at Police Station – Balooda, District- Janjgir-Champa, (C.G.) for the offence punishable under Sections 376 (D) of IPC and Section 4 of POCSO Act, 2012.
2. In this case, prosecutrix is a girl aged about 15 years. As per prosecution story there was a love relationship between the prosecutrix and the co-accused Ram Nikhad @ Kushwa. Allegedly on 09.09.2018, co-accused on the pretext of marriage committed sexual intercourse with the prosecutrix. At that time present Applicant was also present there and was assisting the co-accused. Report was lodged by the prosecutrix and on the basis of report, offence has been registered. The present Applicant has been taken into custody on 16.09.2018.
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 states that the offence has been committed by the co-accused Ram Nikhad and allegation against the present Applicant is that, he was present at the time of occurrence of incident i.e. outside the house. The Applicant has been taken into custody on 16.09.2018 and trial will take 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 Applicant is in custody since 16.09.2018 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