

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8997 of 2018

- Likesh Markandey S/o Shri Bhuwan Sai Markandey Aged About 24 Years R/o Village- Telki Chowki, Lavan, Police Station- Kasdol, District- Balodabazar, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- New Rajendra Nagar, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pragalbha Sharma, Advocate.
For Respondent/State	: Shri Adil Minhaj, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/12/2018

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. 172/2018, registered at Police Station – New Rajendra Nagar, District-Raipur (C.G.) for the offence punishable under Section 376 of the IPC and Section 4 of the POCSO Act.
2. In this case prosecutrix is a girl aged about 13 years 11 months, on 14.08.2018, police party of Police Station New Rajendra Nagar, District Raipur (C.G.) got an information from the local hospital that one girl aged about 13 years is admitted in the hospital and she is having 8 weeks of pregnancy. On the basis of said information, police party reached there and recorded the statement of the prosecutrix. In her statement, it is alleged that present Applicant committed forcefully sexual intercourse with her. On the basis of above, offence has been registered against the present Applicant and he has been taken in custody on 16.08.2018.
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 in the statement of prosecutrix recorded under Section 164 of Cr.P.C. she has categorically stated that the alleged act was done by another person namely 'Adi', thereafter the statement recorded under Section 161 of Cr.P.C. of the prosecutrix again recorded by the prosecution and this time she named of one Ajay Markandey. In these circumstances, there is no evidence available on record on the basis of which any offence can be made against the present Applicant. The Applicant is in custody since 16.08.2018 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that there are some contradictory statements of prosecutrix, the Applicant is in custody since 16.08.2018 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.
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. 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