

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9260 of 2018

- Akash Kumar Thakur S/o Satyendra Thakur Aged About 22 Years R/o Zone 03, Quarter No. 4-C, Sadak 10, Sector 11, Khursipar, Police Station- Khursipar, Tahsil and District- Durg, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station- Khursipar, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Punit Ruparel, Advocate.
For Respondent/State	: Smt. M.Asha, 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. 83/2018, registered at Police Station Khursipar District Durg (C.G.) for the offence punishable under Sections 294, 323, 354, 363 & 506-B of the IPC and Section 8 of the POCSO Act, 2012.
2. In this case prosecutrix is a girl aged about 9 years. As per the prosecution story, on 26.02.2018, at about 9:30 AM, when prosecutrix went to the toilet in school, at that time the applicant taken her to isolated place in cycle and then tie her hands and legs to rope thereafter tried to outrage the modesty and also threatened her to kill. Ms. Shahnaz Begum, school teacher of the prosecutrix made a report. On the basis of said report offence has been registered and the applicant has been arrested on 26.02.2018 itself.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present

case, prosecutrix and her friend namely Riya have not stated the name of the applicant in their statement recorded under Section 161 & 164 of Cr.P.C., no identification parade had been conducted by the prosecution. The applicant is in custody, since 26.02.2018, charge-sheet has already filed and trial will take some time, therefore, applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the fact that in the statement of prosecutrix recorded under Section 161 & 164 of Cr.P.C. she did not state the name of the applicant, the applicant is in custody, since 26.02.2018, charge-sheet has already filed and trial will 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