

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 160 of 2019

Balsai Minj @ Balam S/o Jagdev Minj, aged about 21 Years R/o Village Chanchi, Godhpara, P. S. Rajpur, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer, Police Station Rajpur, District Balrampur Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate.
For Respondent/State : Mr. Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/06/2019

1. Vide order dated 13.05.2019 a fresh notice was issued to the informant to remain present before this Court. In compliance of the said order prosecutrix is present along with her father namely Dinesh Tekam. Their presence is marked. On being asked to the prosecutrix regarding grant of bail to the Applicant, she has raised objection.
2. 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. 33/2018, registered at Police Station – Rajpur, District- Balrampur, Ramanujganj (C.G.) for the offence punishable under Sections 342, 450, 376, 506 of the Indian Penal Code and 3 & 4 of the POCSO Act, 2012.
3. As per the prosecution story, on 01.08.2018 the prosecutrix was alone in her house, allegedly present Applicant entered into the house and caught hold of her. When she tried to raise alarm, the present Applicant gagged her mouth and thereafter committed forcible sexual

intercourse with her. When her parents returned to the house, she narrated the entire incident to them and thereafter, they lodged the report against the Applicant and on the basis of said, offence has been registered. The Applicant is in custody since 02.08.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some dispute with parents of the prosecutrix. He further submits that charge-sheet has been filed. Prosecutrix, her mother and father have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The Applicant is in custody since 02.08.2018, trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering that applicant is in custody since 02.08.2018, charge sheet has been 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.
8. Accordingly, the bail application is allowed.
9. 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