

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 645 of 2019**

Maniram Ekka S/o Chiru, aged about 48 years R/o Village Amgaon,
Jhumramhua, Police Station lundra, District Surguja (C.G.)

--- Applicant**Versus**

State of Chhattisgarh, through Police Station Lundra, District Surguja,
Chhattisgarh (C.G.)

---- Respondent

For Applicant	:	Mr. Anurag Singh, Advocate
For Respondent	:	Mr. Alok Nigam, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**15/02/2019**

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 154/2018 registered at Police Station Lundra, District Surguja (C.G.) for the offence punishable under Sections 394, 294, 506, 323, 354 read with 34 of the IPC and Sections 7 & 8 of the POCSO Act.
2. In this case, the Prosecutrix is a girl aged about 17 years. A report was made by her stating therein that on 22/10/2018 at about 12 noon, when she went to temple situated at Kuro mountain along with Rashida Nagesh, Anand Gond and Ramsai, three unknown persons came there. They abused them and also assaulted them by fists and Danda. It was also alleged that the accused persons snatched their

phones and threatened them to put off their clothes. One of the accused pulled her (the Prosecutrix) towards bushes, but she any how fled away from there and made a report. On the basis of the report, offence has been registered against unknown persons. During course of investigation, the Applicant and other co-accused persons were identified by the Prosecutrix, Rashida Nagesh, Anand Gond and Ramsai. The present Applicant has been taken into custody on 24/10/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the report was made against unknown persons. Though identification has been made, the same is not in accordance with law, and the same is suspicious. He further submits co-accused Rajendra Sonwani has already been released by this Court vide order dated 09/01/2019 passed in MCRC No. 9259/2018. The Applicant is in custody since 24/10/2018 and trial will take time, therefore, he may be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that co-accused Rajendra Sonwani has already been released by this Court vide order dated 09/01/2019 passed in MCRC No. 9259/2018, the Applicant is in custody since 24/10/2018 and trial will likely to take some time, without further commenting on merit 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 his executing a personal bond for a sum of Rs. 20,000/- with one 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

Rahul