

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 652 of 2019**

- Raju Bareth S/o Rameshwar @ Rameshar Bareth, R/o Amlidih, P. S. Lormi, District Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Lormi, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pallav Mishra, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**06/02/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 319/2018, registered at Police Station- Lormi, District- Mungeli, (C.G.) for the offence punishable under Sections 354, 363, 34 of the IPC and Section 8 of POCSO Act.
2. First bail application has been dismissed as withdrawn with liberty to file afresh after examination of the prosecutrix before the Trial Court vide order dated 30.10.2018 passed in MCRC No. 6936/2018.
3. As per the prosecution story, on 13.08.2018, prosecutrix, who is a girl, aged about 15 years, lodged a report in the police station wherein it has been alleged that on 09.08.2018, she alongwith the present Applicant and co-accused Vinod Kumar went for the purpose of employing her of construction work on a motorcycle. In the mid-way near the jungle, both the Applicant and co-accused started molesting her, to which she resisted. When present Applicant was misbehaving with the prosecutrix in the jungle, at the same time some boys came

there and enquired about them and started shooting their video. She then quickly rushed to her house and narrated the whole story to her family members. On the basis of the said allegations, offence has been registered against the present Applicant and he has been taken into custody on 13.08.2018.

4. 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 the prosecutrix has been examined before the Trial Court and in her Court statements she has not properly supported the case of the prosecution. He also states that co-accused namely Vinod Kumar Lahre has already been granted bail by this Court vide order dated 30.10.2018 passed in MCRC No. 6936/2018. Applicant is in custody since 13.08.2018 and trial will 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.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that Applicant is in custody since 13.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge