

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 848 of 2019**

- Hemprakash Patle S/o Shri Kamal Prasad Patle Aged About 30 Years R/o village Sodar ,police Station Jarhagaon District Mungeli At Present R/o Jarhabhata Kumharpara ,C.P. Goswami House Bilaspur District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Pathariya, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Shri Dheerendra Pandey, Advocate.
For Respondent/State : Shri Devendra Pratap Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**25/04/2019**

1. In compliance of order dated 25.03.2019, minor Victim/Prosecutrix alongwith her father Santu Ram Anant are present before this Court. Their presence is marked. It is submitted by prosecutrix and her father that they have no objection on grant of bail to the accused/applicant.
2. Vide order dated 27.11.2018, first bail application of the Applicant was earlier dismissed as withdrawn with liberty to file afresh after a month passed in MCRC No. 7837 of 2018.
3. 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. 241/2018, registered at Police Station – Pathariya, District- Mungeli, (C.G.) for the offence punishable under Sections

363, 366A, 376-2,(N) 417, 506, 120B 366(N) of IPC & Sections 4, 6, 5(L) of POCSO Act.

4. In this case age of the prosecutrix at the relevant time was seventeen years. Allegations against the present Applicant is that on 12.12.2017, present Applicant committed forcible sexual intercourse with the prosecutrix. It is further alleged that after this incident also, on the pretext of marriage, Applicant made physical relationship with the prosecutrix on various dates and places. Thereafter, Applicant refused to marry with the prosecutrix and on the basis of the said allegations, on 20.06.2018 FIR was lodged by the mother of the prosecutrix namely Kejabai Anant. On the basis of the said background, offence has been registered and Applicant has been taken into custody on 21.06.2018.
5. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that prosecutrix has already been examined before the Trial Court and she has not supported the case of the prosecution and has turned hostile. Applicant is in custody since 21.06.2018 and trial is likely to take some time. Therefore, he may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary.
8. Considering the facts and circumstances of the case, the evidence

collected by the prosecution and further considering the fact that the Applicant is in custody since 21.06.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

9. Accordingly, the bail application is allowed.

10. 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