

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1010 of 2019**

- Uma @ Umashankar S/o Shri Suresh Singh Rajput Aged About 20 Years R/o Village Jogipur, Thana City Kotwali, Mungeli, Civil and Revenue District Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station City Kotwali, Mungeli, Civil and Revenue District : Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate.
For Respondent/State : Shri Sumit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**27/02/2019**

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. 220/2018, registered at Police Station – City Kotwali, Mungeli, District – Mungeli, (C.G.) for the offence punishable under Sections 354, 323, 324 of the IPC and Section 8 & 12 of POCSO Act.
2. In this case, prosecutrix is a girl aged about 16 years. She lodged a report with the averments that on 15.05.2018 at about 5:00 P.M. when she was taking bath at the village pond, allegedly, the present Applicant came there, caught hold her hand and tried to outrage her modesty and also assaulted her. On the basis of the said allegations, offence has been registered. During course of investigation, Applicant was arrested and thereafter he was granted bail by the Sessions Court vide order dated 18.05.2018. During trial, the present Applicant was not present on 03.11.2018, therefore, a non-bailable warrant was issued against the present Applicant. In compliance of the said, he was again arrested on 14.01.2019 and since then he is in custody.

3. Learned Counsel appearing on behalf of the Applicant submits that the prosecutrix in her statements recorded under Section 164 of the Cr.P.C. has not supported the case of the prosecution. He further submits that earlier the Applicant was granted bail by the Sessions Court and presently he is in custody since 14.01.2019 and trial is likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties.
6. 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 14.01.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 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