

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1283 of 2019

- Ghasiya Ram Rathiya S/o Kailash Ram Rathiya Aged About 21 Years R/o Village Pusalda, Tahsil And P.S. Chhal District Raigarh Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Raigarh Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashutosh Mishra, Advocate.
For Respondent/State : Mr. Sumit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

07/03/2019

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. 286/2018, registered at Police Station –Chhal, District- Raigarh (C.G.) for the offence punishable under Sections 363, 366, 376 & 34 of the IPC and Section 6 of the POCSO Act, 2012.
2. First bail was dismissed for want of prosecution by this Court vide order dated 08.02.2019 passed in MCRC No. 581/2019.
3. In this case, there are two accused persons. Prosecutrix is a girl aged about 17 years. As per prosecution story, on 04.11.2018, when prosecutrix was at her home along with her grandparents and her parents had gone to another village, when they returned,

the prosecutrix was not present in their home, thereafter, grandmother of the prosecutrix informed that at about 11 PM co-accused Pawan Chouhan kidnapped the prosecutrix. Report has been lodged by father of the prosecutrix against co-accused Pawan Chouhan. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, prosecutrix has been recovered from the house of co-accused Pawan Chouhan, thereafter, her statements were recorded, on the basis of her statements other offence have been added. Allegation against the applicant is that he assisted co-accused Pawan Chouhan at the time of crime in question.

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 after recovery of prosecutrix firstly her statement under Section 161 of Cr.P.C. was recorded on 08.11.2018 wherein she has not stated anything against the applicant and thereafter on 23.12.2018, supplementary statement of the prosecutrix has been recorded wherein she disclosed the fact that at the relevant time when co-accused Pawan Chouhan kidnapping her, the applicant was with the co-accused. Apart from that, no allegations have been made against the applicant. The applicant is in custody since 04.01.2019, charge-sheet has already been filed 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 with due care.
7. 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 04.01.2019, charge-sheet has already 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