

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1985 of 2019

Bhusan Lal Mandavi S/o Kunwar Sing Mandavi Aged About 20 Years
R/o Odena Post Jhiriya, P.S. Arjuni, District- Dhamtari, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Station House Officer, Khursipar
(Bhilai), District-Durg, Chhattisgarh.

---- Respondent

For Applicant : Shri Avinash Chand Sahu, Advocate.
For Respondent/State : Shri K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/04/2019

1. In compliance of order dated 02.04.2019, informant/ father of the prosecutrix namely Kishun Kumar Sahu is present before this Court. On being asked he submits that he has no objection in granting bail to the accused/applicant.
2. 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. 163/2018, registered at Police Station – Gurur, District- Balod (C.G.) for the offence punishable under Sections 363, 366, 376 of I.P.C. and u/s 3, 4 of the POCSO Act, 2012.
3. In this case, age of the prosecutrix is about 16 years. On 14.08.2018 missing report of prosecutrix has been lodged by the father of the prosecutrix. On the basis of the said, initially offence u/s 363 of the IPC has been registered against unknown person. Later on after recovery of the prosecutrix her statements were recorded and on the basis of her statements other offences have been added. Applicant

has been taken into custody on 16.08.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He also states that prosecutrix has been examined before the Trial Court and she has not supported the case of the prosecution and turned hostile. He further submits that the charge-sheet has been filed, Applicant has been taken into custody on 16.08.2018 and trial will take time. Therefore, the Applicant 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 16.08.2018 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