

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2315 of 2019

- Shekhar Latkar S/o Kistaiya Latkar Aged About 24 Years R/o Rudaram, Police Station Bhopalpatnam, District Bijapur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Bhopalpatnam, District Bijapur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Goutam Khetrapal, Advocate
For Respondent/State	:	Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

13/05/2019

1. Pursuant to order dated 22.04.2019, a notice was issued to the prosecutrix to remain present before this Court on today date. Prosecutrix is present along with her father namely Samaya Kummar before this Court today. Their presence are marked. On being asked regarding grant of bail to the Applicant, prosecutrix has no objection on this point.
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. 42/2017, registered at Police Station – Bhopalpatnam, District- Bijapur, (C.G.) for the offence punishable under Sections 366 & 376 of Indian Penal Code & Sections 3, 4,

7 & 8 of POCSO, Act.

- 3.** In this case age of the prosecutrix at the relevant time was about 15 years. On 10.10.2017, mother of the prosecutrix namely Gouru Durgam lodged a report wherein it has been alleged that on 30.09.2017, present Applicant abducted her minor daughter (prosecutrix) and committed sexual intercourse with her. On the basis of the said, offence has been registered. Applicant has been taken into custody on 12.10.2017.
- 4.** Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute. He further states that, prosecutrix in her statement recorded under Section 164 of Cr.P.C., has not stated anything against the present Applicant. Charge-sheet has been filed, Applicant is in custody since 12.10.2017 and trial is likely to 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 12.10.2017 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