

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2854 of 2019

- Sunil Kewat S/o Dileshwar @ Tuloo Kewat Aged About 22 Years
R/o Village - Kakna, Barpara, Police Station - Kusmi District
Balrampur - Ramanujganj Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Rajpur, District
Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Applicant : Mr. AK Yadav, Advocate.
For Respondent/State : Mr. Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/06/2019

1. An office report shows that service report of notice earlier issued on 07.05.2019 is awaited, but, prosecutrix and her mother/complainant namely Nano Paikra are present before this Court today. They have opposes the bail application. They need not to give any appearance until and unless otherwise directed.
2. Learned Counsel for the Applicant identified the prosecutrix and her mother/complainant namely Nano Paikra.
3. 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. 243/2018, registered at Police Station – Rajpur, District- Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 342, 363, 366, 376 (2) (n) of the IPC, Section 5 & 6 of the POCSO Act, 2012 & Section 3 (2) (V) of the

SC and ST (Prevention of atrocities) Act.

4. As per prosecution story, at the relevant time, age of the prosecutrix is about 14 years 6 months. On 13.11.2018, mother of the prosecutrix namely Nano Paikra has lodged a report in police station alleging therein that the applicant on the pretext of marriage took the prosecutrix from her legal guardianship and thereafter he repeatedly committed sexual intercourse with her. On the basis of said report, offence has been registered. During course of investigation, on 14.11.2018, the applicant has been arrested and since then he is in custody.
5. 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 submits that the prosecutrix has already examined before the Trial Court and she has not supported the case of the prosecution and turned hostile. The applicant is in custody since 14.11.2018, charge-sheet has already been filed 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 with due care.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the prosecutrix has already examined before the Trial Court and she has not supported the case of the prosecution and turned hostile. The applicant is in custody since 14.11.2018, charge-sheet has already been filed 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. 25,000/- 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