

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2893 of 2019**

Radheram Agariya, (Wrongly mentioned as Radheshyam in ordersheet), S/o Vijay Agariya Aged About 19 Years, R/o Panchawal, Manopara, P.S. Balrampur, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Mr. Pushkar Sinha, Advocate.
For Respondent/State : Mr. Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/05/2019

- 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. 30/2018, registered at Police Station – Chando, District- Balrampur – Ramanujganj, (C.G.) for the offence punishable under Section 363, 366, 376, 342 of IPC, 3 (2-v) of SC & ST Atrocities Act and Sections 4, 6 of POCSO Act.
- 2.** In this case, age of the prosecutrix is about 17 years. As per the prosecution story, on 24.07.2018, Applicant took the prosecutrix with him and committed forcible sexual intercourse with her. Thereafter, matter was reported and on the basis of the said, offence has been registered. Applicant has been taken into custody on 27.07.2018.
- 3.** Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case due to some dispute. He further submits that

prosecutrix has been examined before the Trial Court and she has not supported the case of the prosecution and turned hostile. Applicant is in custody since 27.07.2018 and trial is likely to take some time. Therefore, Applicant 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 and perused the case diary with due care.
- 6.** Considering the facts and circumstances of the case, particularly considering the fact that the Applicant is in custody since 27.07.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant 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