

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3837 of 2019**

Juber Khan S/o Naasir Khan Aged About 21 Years Caste Muslman,
R/o Gandhi Ward Jagdalpur, District- Bastar, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station- Parpa, District- Bastar,
Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Pandey, Advocate.
For Respondent/State	: Mr. Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

20/06/2019

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. 34/2019, registered at Police Station – Parpa District- Bastar (C.G.) for the offence punishable under Section 376 of the Indian Penal Code, 1860 and Section 6 of the POCSO Act, 2012.
2. In this case age of the prosecutrix is about 16 years 04 months. As per the prosecution story, on 25.02.2019, mother of the prosecutrix namely Smt. Foolmati lodged first information report against the present Applicant alleging therein that present Applicant has committed sexual intercourse with her daughter. On the basis of said, offence has been registered. The Applicant is in custody since 26.02.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some mis-understanding. He further submits that prosecutrix and her

mother/informant both were examined before the Trial Court and both have not supported the case of the prosecution and turned hostile. The Applicant is in custody since 26.02.2019 and trial is likely to take some time. Therefore, he 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 26.02.2019 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.
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 Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge