

**HIGH COURT OF CHHATTISGARH, BILASPUR**  
**MCRC No. 4135 of 2019**

- Tulsi Joshi S/o Shri Puran Joshi Aged About 19 Years R/o Near Shantipara, Government Hospital Camp- I Chhawani, District Durg Chhattisgarh.

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through House Officer, Police Station Chhawani, District Durg Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Mr. Avinash Chand Sahu, Advocate. |
| For Respondent/State | : Mr. KK Dewangan, Dy. G.A.         |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board**

**17/07/2019**

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 183/2018, registered at Police Station Chhawani, District Durg (C.G.) for the offence punishable under Section 363, 366 & 376 of the IPC and 5 (L) 6 of the POCSO Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the prosecutrix before the Trial Court vide order dated 10.10.2018 passed in MCRC No. 6693/2018.
3. As per prosecution story, on 09.03.2018, father of the prosecutrix namely Mukesh lodged a missing report of her daughter/prosecutrix. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, prosecutrix has been recovered from the possession of the applicant. Thereafter, her statement was recorded. On the basis of her statement other offence have been added. The applicant is in custody since

09.03.2018.

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 previous dispute and misunderstanding with the parents of the prosecutrix. He further submits that prosecutrix and her parents have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody since 09.03.2018 trial is likely to take some time. Therefore, the applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that prosecutrix and her parents have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody since 09.03.2018 trial is likely to take some, without further commenting on merits of the case, I am inclined to release the applicant 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. 25,000/- with one solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-  
**(Arvind Singh Chandel)**

**Judge**