

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4539 of 2019

- Vindeshwar @ Bindeshwar Rajwade S/o Manbhadra Prasad Rajwade Aged About 25 Years R/o Village - Telgawa, Police Station - Bhatgaon, District Surajpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Bhatgaon, District Surajpur Chhattisgarh.

---- Respondent

For Applicant : Mr. DN Prajapati, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/08/2019

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. 74/2019, registered at Police Station – Bhatgaon, District- Surajpur (C.G.) for the offence punishable under Section 354 (घ) of the IPC and Section 4 & 12 of the POCSO Act, 2012.
2. In this case, the age of the prosecutrix at the relevant time is about 15 years. As per prosecution story, prosecutrix was studying in class 9th in St. Charles School, Bhatgaon. The applicant is a driver and he used to pick and drop the school students. The prosecutrix was one of them. Allegedly, on 16.04.2019, the applicant proposed the prosecutrix and force her to meet with him. Thereafter, the matter was reported and the applicant has been arrested on 08.06.2019.

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 with the parents of the prosecutrix. He further submits that both the parties have settled their dispute out of the Court. The applicant is in custody since 08.06.2019, charge-sheet has already been filed and trial and trial is likely to take some time. Therefore, the 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, the evidence collected by the prosecution and further considering the fact that both the parties have settled their dispute out of the Court as informed by the Counsel for the applicant. The applicant is in custody since 08.06.2019, 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 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. 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