

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4518 of 2019**

Rama S/o Ramkhilawan, aged about 50 years R/o Sarpata Teliapara Chowki Korbi (wrongly mentioned in order sheet Korab), Police Station: Pasan, District Korba (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through Police Station, Jai Nagar, District Surajpur (C.G.)

---- Respondent

For Applicant	:	Mr. Dashrath Kushwaha, Advocate
For Respondent	:	Mr. Amit Verma, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

24/09/2019

1. The Applicant has preferred this First Bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 45/2019 registered at Police Station Jai Nagar, District Surajpur (C.G.) for the offence punishable under Sections 363, 366, 376 and 323/34 of the IPC and Section 6 of the POCSO Act.
2. As per prosecution story, the age of the Prosecutrix was below 16 years at the relevant time. It is alleged that co-accused Harkeshwar @ Nanka had abducted the Prosecutrix and on the pretext of marriage, he committed sexual intercourse with her. Thereafter, he took the Prosecutrix to the house of the Applicant and there he frequently committed sexual intercourse with the Prosecutrix. The Prosecutrix was recovered on 02/03/2019 from village Kalyanpur. Thereafter, written report has been lodged on 03/03/2019. On the basis of said background, the Applicant

has been arrested on 25/04/2019.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. He further submits that the only allegation against the Applicant is that he sheltered co-accused and the Prosecutrix in his house for few days. The Applicant is aged about 50 years, he is in jail since 25/04/2019, charge-sheet has been filed and trial will take time, therefore, the Applicant may be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 25/04/2019, charge-sheet has been filed and trial will likely to take time, without further commenting on merit 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 his furnishing a personal bond of Rs. 20,000/- with one 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