

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6288 of 2018**

- Roshan Choudhary, S/o Late Jagannath Choudhary, aged about 21 years, R/o Village – Achholi, Police Station – Urla, Tahsil & District- Raipur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through-Station House Officer, P.S. Urla, District- Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Aditya Khare, Advocate.
For Respondent/State	: Shri S.K. Mishra, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/01/2019**

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. 240/2018, registered at Police Station – Urla, District- Raipur, (C.G.) for the offence punishable under Sections 366, 376 of IPC and 4 & 6 of POCSO Act, 2012.
2. As per the prosecution story, on 13.06.2018 prosecutrix, who is a minor girl, lodged report alleging therein that from 17.08.2017 to 17.10.2017, the present Applicant used to take her in his house and on the pretext of marriage, committed sexual intercourse with her, due to which she became pregnant and delivered a female child. It was further alleged that when the prosecutrix informed the Applicant about her pregnancy, since then the Applicant stopped talking to her and also denied for marriage. On the basis of the said allegations, offence has been registered against the Applicant and he has been taken into custody on 13.06.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that at the time of incident, prosecutrix was a major girl. Prosecutrix and her mother both have already been examined before the Trial Court and have not supported the case of the prosecution and turned hostile. He also states that charge-sheet has been filed, Applicant is in custody since 13.06.2018 and trial will take 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 13.06.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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