

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7691 of 2018**

- Harandas @ Nanu S/o Shri Premdas Manikpuri, Aged About 25 Years R/o Village- Barela, Police Station- Jarhagaon, District- Mungeli, Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through Police Station- Jarhagaon District- Mungeli, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Shri Dheerendra Pandey, Advocate.   |
| For Respondent/State | : Shri Bhaskar Payashi, Panel Lawyer. |

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

**07/01/2019**

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. 173/2018, registered at Police Station – Jarhagaon, District- Mungeli, (C.G.) for the offence punishable under Sections 376, 294, 342 of IPC and 4 & 6 of POCSO Act, 2012.
2. As per the prosecution story, prosecutrix is a girl aged about 15 years and 1 month. On 06.08.2018, report was lodged by the prosecutrix wherein it has been alleged that on 05.08.2018 when she was going to Nayapara agriculture field alongwith her friend Jyoti Patel and Sanjay Yadav, allegedly the present Applicant came there on motorcycle and abused and kidnapped her and committed sexual intercourse with her. On the basis of the said report, offence has been registered. The Applicant has been taken into custody on 07.08.2018.
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 states that the charge-sheet has already been filed and prosecutrix has also been examined before the Trial Court. In her Court statement, prosecutrix has not supported the case of the prosecution and has turned hostile. The Applicant is in custody since 07.08.2018 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 prosecutrix in her Court statement, has not supported the case of the prosecution, Applicant is in custody since 07.08.2018 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 Trial Court for his appearance before the said Court as and when directed.

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