

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9305 of 2018

- Deepak Sahu S/o Ganesh Ram Aged About 23 Years R/o Village Bhatgaon, Police Station Berla, District Bemetara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Berla, District Bemetara Chhattisgarh

---- Respondent

For Applicant	: Shri SK Sahu, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/01/2019

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. 165/2018, registered at Police Station Berla, District Bemetara (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 5 (L) & 6 of the POCSO Act.
2. In this case prosecutrix is a girl aged about 17 years 7 months. As per the prosecution story, on 01.07.2018, prosecutrix herself lodged a report, wherein, it has been stated that there was a love relationship between the applicant and the prosecutrix. Allegedly, on 07.04.2018 on the pretext of marriage the applicant committed sexual intercourse with her and thereafter also so many times, he committed sexual intercourse with her. On the basis of said report, offence has been registered. The applicant has been arrested on 08.10.2017.
3. Learned counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecutrix has already examined

before the Trial Court where she does not support the case of the prosecution and turned hostile. The applicant is in custody since 08-10-2017, charge-sheet has already filed and trial will likely to take some time, therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that in the statement of prosecutrix she does not support the case of the prosecution and turned hostile. The applicant is in custody since 08-10-2017, charge-sheet has already been filed and trial will 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. 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