

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9264 of 2018

- Nishifatar @ Sunil Cherva S/o Saira Cherwa, Aged About 19 Years R/o Kothali, Parastoli, Police Station Shankargarh, District Balrampur-Ramanujganj, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Shankargarh, District Balrampur-Ramanujganj, Chhattisgarh.

---- Respondent

For Applicant : Shri Sushil Dubey, Advocate.
For Respondent/State : Shri Alok Nigam, G.A.

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. 84/2015, registered at Police Station – Shankargarh, District- Balrampur-Ramanujganj, (C.G.) for the offence punishable under Sections 363, 366, 376 (2) of IPC and 4 of POCSO Act, 2012.
2. As per the prosecution story, on 26.08.2015, prosecutrix, who is a girl aged about 16 years, lodged a report wherein it has been alleged that on 20.08.2015, when she went to weekly market, allegedly, present Applicant came there and on the pretext of marriage, took her to Ambikapur and committed sexual intercourse with her without her will. On the basis of the said report, offence has been registered against the present Applicant and he has been taken into custody on 27.08.2015.
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 prosecutrix has already been examined before the Trial Court. He also submits that prosecutrix has not supported the case of the prosecution. The Applicant is in custody since 27.08.2015 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 27.08.2015 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