

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9545 of 2018

- Deepak Bhoi S/o Late Shri Ragumadi Bhoi Aged About 24 Years R/o Janta Colony Dr. Rajendra Nagar Police Station Civil Line District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Devendra Nagar District Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri Pragalbha Sharma, Advocate.
For Respondent/State	: Shri VK Agrawal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/04/2019

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. 170/2018, registered at Police Station – Devendra Nagar, District- Raipur (C.G.) for the offence punishable under Section 363, 354(A), 506, 342 R/w 34 of the IPC and Section 8 & 18 of the POCSO Act, 2012.
2. As per prosecution story, prosecutrix is a girl aged about 14 years. On 05.08.2018 around 11:30 PM, mother of the prosecutrix namely Saraswati Pandey lodged a missing report of her daughter/prosecutrix. On the basis of said report initially offence under Section 363 of the IPC has been registered. Thereafter, during course of investigation on 06.08.2018 prosecutrix has been recovered and her statement was recorded. On the basis of her statement, other offence have been added. The Applicant is in custody since 13.08.2018.

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 submits that the prosecutrix has already examined before the Trial Court and in her statement recorded under Section 164 of Cr.P.C., she has not supported the case of the prosecution and turned hostile. The Applicant is in custody since 13.08.2018, charge-sheet has already been filed trial is likely to take some 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the prosecutrix has already examined before the Trial Court and she has not supported the case of the prosecution and turned hostile. The Applicant is in custody since 13.08.2018, charge-sheet has already been filed and trial is 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. 25,000/- with one local 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