

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9949 of 2018

Siya Lal @ Kumbhakaran Pardhi, S/o Jagmohan Pardhi, aged about 18 years, R/o Tarkori, P.S.- Dhamdha, District Durg, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Ghumka, District Rajnandgaon, Chhattisgarh

---- Respondent

For Applicant	: Shri Aditya Bhardwaj, Advocate.
For Respondent/State	: Shri Aditya Sharma, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order

10/01/2019

1. This is the first bail application preferred by the applicant under Section 439 of Cr.P.C. for grant of bail as he is arrested in connection with Crime No.51/2015 registered at Police Station Ghumka, District Rajnandgaon (C.G.) for offence punishable under sections 299 Cr.P.C. (in trial 363, 376 and 120-B read with Section 34 of I.P.C. and Sections 4, 6 and 17 of POCSO Act).

2. As per the prosecution case, the present applicant along with one Ganesh Maliya and other co-accused in the year 2015 had come to their village. During stay in the house as guest they had enticed away the minor girl from the lawful custody of the parents. Subsequently, the statement of the prosecutrix reveal that on the pre-text of marriage she was subjected to sexual intercourse.

3. Learned counsel for the applicant submits that the present applicant has been falsely implicated in the case as few of the prosecution witnesses have been examined and no allegation has been attributed to the present applicant. He further submits that the applicant is in jail since

01.10.2018 and he was earlier enlarged on bail on 12.09.2016. As the charge sheet has been filed and the trial may take some time, therefore, the present applicant be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.

5. Perused the order. A perusal of the order shows that the applicant had earlier been enlarged on bail on 12.09.2016. Subsequently, he remained absent on 25.09.2017 and thereafter was arrested on warrant and is in jail since 01.10.2018. Looking to the period of custody which the applicant has spent in jail and the fact that applicant was earlier enlarged on bail, this court is inclined to release him on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

SD/-

(Goutam Bhaduri)
JUDGE