

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 10006 of 2018

- Pooran Chand Dhruve S/o. Late Krishna Dhruve, Aged About 25 Years
R/o. Village Dhanora P.S. Dhanora District Narayanpur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Dhanora, District
Kondagaon Chhattisgarh

---- Respondent

For Applicant : Shri Pravin Kumar Tulsyan, Advocate.
For Respondent/State : Shri Sumit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/03/2019

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. 5/2018, registered at Police Station – Dhanora, District- Kondagaon (C.G.) for the offence punishable under Section 493, 376 (2)(अ) of the IPC and Section 4 & 6 of the POCSO Act, 2012.
2. As per the prosecution story, prosecutrix is a girl aged about 15 years, she was residing with her uncle. Allegedly, in the month of March-April 2018, when prosecutrix went for work at village Tekanar, the Applicant on the pretext of marriage committed sexual intercourse with her, thereafter, on 18.09.2018, a report has been lodged by uncle of the prosecutrix namely Somaru Kurram. On the basis of said report, offence has been registered against the Applicant and he has been arrested on 20.09.2018.
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 she has not supported the case of the prosecution and turned hostile. The Applicant is in custody since 20.09.2018, charge-sheet has already been filed trial will 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 20.09.2018, 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 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