

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 775 of 2020**

- Govind Singh Banjare S/o Late Premsingh Banjare Aged About 25 Years R/o Accholi, Police Station Palari, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Kasdol, District Balodabazar-Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Govind Ram Miri, Advocate.
For Respondent/State	: Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/03/2020

1. The applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 367/2019, registered at Police Station – Kasdol, District- Balodabazar-Bhatapara, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 4 & 6 of POCSO Act, 2012.
2. First bail application of the applicant was dismissed as withdrawn with liberty to file afresh after examination of prosecutrix before the trial Court vide order dated 19/08/2019 passed in MCRC No. 4732/2019.
3. As per the prosecution story, at the relevant time, age of the prosecutrix was about 17 years and 6 months. On 11.06.2019, a missing report was lodged by father of the prosecutrix. On the basis of the said, initially, offence under Section 363, 366 of I.P.C. was registered. During course of investigation, prosecutrix was recovered and her statement was recorded. On the basis of her statement, other offences were added. Applicant was taken into custody on

12.06.2019.

4. 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 due to fear of her father, prosecutrix herself left her house on her own will and stayed with the applicant. Prosecutrix was also examined before the trial Court where she has not supported the case of the prosecution and categorically stated that she herself stayed in the house of the applicant. Applicant is in custody since 12.06.2019 and trial is likely to take some time. Therefore, it is prayed that applicant may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. 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 12.06.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release applicant on bail.
8. Accordingly, the bail application is allowed.
9. 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