

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6571 of 2020

- Mahendra Kumar Manhar, S/o Chandan Singh Manhar, aged about 22 years, R/o village Madhubankala, P.S. Bilaigarh, District (Revenue and Civil) Balodabazar Bhatapara, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station Basna, District (Revenue and Civil) Mahasamund, Chhattisgarh.

---- Respondent

For Applicant : Shri Yogeshwar Sharma, Advocate.
For Respondent/State : Shri Rahul Jha, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

09/11/2020

1. First bail application of the applicant was earlier dismissed as withdrawn with liberty to file afresh after examination of the prosecutrix before the trial Court vide order dated 9.1.2019 passed in MCRC No. 9309/2018.
2. The applicant has preferred the second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 244/2018, registered at Police Station – Basna, Civil and Revenue District - Mahasamund, (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and 4 & 6 of POCSO Act, 2012.

3. In this case at the time of incident prosecutrix was aged about 14 years. As per the prosecution story, applicant abducted the prosecutrix from her legal guardian and took her with him and committed sexual intercourse with her during 25.6.2018 to 27.7.2018. On the basis of the complaint made by the complainant, offence has been registered. Applicant was taken into custody on 30.07.2018.
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 prosecutrix herself left her house on her own will and went to Jammu & Kashmir to meet her maternal uncle and stayed there for about 2-3 months. Thereafter, she returned back. It is further submitted that on suspicion a false and fabricated report has been lodged by the complainant in this case against applicant. It is further submitted that prosecutrix has already been examined before trial Court and she has not supported the case of the prosecution. Applicant is in jail since 30.7.2018 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 material available.
7. Considering the facts and circumstances of the case, evidence collected by the prosecution and on perusal of statement of the prosecutrix given before the trial Court where prosecutrix has not supported the case of the prosecution and turned hostile and the fact that applicant is in custody since 30.7.2018, 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