

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2628 of 2021**

- Rambabu @ Bauwa, S/o Hiranman Kashi, Aged About 20 Years, Caste Kewat, R/o Village Post Kuberpur, P.S. Biarpur (Chandni), Tehsil Odagi, District Surajpur, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through Station House Officer, Police Station AJAK, Surajpur, District Surajpur, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Shakti Raj Sinha, Advocate.
For Respondent/State	:	Shri Ravish Verma, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/05/2021**

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. 30/2020, registered at Police Station – AJAK, Surajpur, District Surajpur (C.G.), for the offence punishable under Sections 376, 341 & 506 of the Indian Penal Code and 3 & 4 of the POCSO Act and Section 3(1)(R)(S), 3(2-V) of SC/ST (Prevention of Atrocities) Act, 1989.
2. As per the prosecution story, at the time of alleged incident, prosecutrix was a minor girl. It is alleged that on 13.8.2020, when she was returning from her house, allegedly, applicant stopped her, gagged her mouth and dragged her to the nearby field and committed forceful sexual intercourse with her. Matter was reported and on the basis of the said, offence was registered. After completion of the investigation, charge-sheet was filed. Applicant was arrested on 14.8.2020.

3. Learned Counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the case due to some previous dispute with the prosecutrix and with her family members. He further submits that applicant is in jail since 14/8/2020 and charge-sheet has been filed. He further states that prosecutrix as well as her father have been examined before the trial Court and they have not supported the case of the prosecution and turned hostile. Therefore, it is prayed that applicant may be granted 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, perused the case diary and Court statement of the prosecutrix.
6. Taking into consideration the submissions put-forth on behalf of the parties, considering the facts and circumstances of the case, evidence collected by the prosecution and after going through the Court statement of the prosecutrix which is annexed with the petition, where prosecutrix has not supported the case of the prosecution and turned hostile, and the fact that applicant is in custody since 14/8/2020, charge-sheet has been filed, trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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