

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6698 of 2017**

- Prince Verma S/o Ramakant Verma, Aged About 20 Years R/o New Mines Bhatgaon, Police Station Bhatgaon, District Surajpur Chhattisgarh.

---- Applicant**Versus**

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

---- Non-applicant

For Applicant : Shri Shakti Raj Sinha, Advocate.

For Non-applicant : Shri O.P. Sahu, Government Advocate

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****02.11.2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no other bail application is pending before any other Court.
2. Perused the copy of the charge-sheet provided by the learned counsel for the applicant in connection with crime No. 141/2016 registered at Police Station – Bhatgaon, District – Surajpur (C.G.) for the offence punishable under Sections 363, 366(A), 354(A)(ii), 354(D)(ii) of Indian Penal Code and Section 8 of the POCSO Act .
3. Case of the prosecution, in brief, is that the prosecutrix was near about 17 years old and resided at village Jarhi. On 22.08.2016 the prosecutrix did not return back from the school. Then, the father of the prosecutrix intimated to Police Station Bhatgaon and a missing report was registered. During the investigation it has been found that the

present applicant Prince Verma had phoned the prosecutrix. He was giving threat that if she does not come to meet him then he will abduct her and do wrong work. She left the house on 22.08.2016, went to Ambikapur, then Bilaspur and then to Bhopal. Ultimately, she returned back to her matrimonial house. Nobody has abducted her.

4. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in the case, therefore, he may be released on bail.

5. On the other hand, learned counsel for the State opposes the bail application.

6. As per the application dated 14.12.2016 given by the prosecutrix to the Superintendent of Police, Sarguja Range, Ambikapur, she has falsely implicated the said applicant. The present applicant has not committed any wrong.

7. Looking to these circumstances and other facts of the case, looking to the fact that there is no likelihood of the accused to abscond and tamper the evidence, the trial will take its own time, applicant is in custody since 14.10.2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the present applicant.

8. Consequently, the bail application is allowed.

9. It is directed that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with a personal bond in the like sum to the satisfaction of the concerned Trial Court with the condition that he will appear before the Trial Court at 11:00 am as and when directed till trial and will cooperate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-

(Sharad Kumar Gupta)
JUDGE