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HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1265 of 2018

- Sukhdev Singh Kumawat Verma S/o Butasingh, Aged About 23 Years, R/o- Village- Dharampura, Police- Station- Bahawanwala District- Fazilka (Panjab) Present Address- Residence of Sitamani Korba Police- Station-Urga, Tahsil And District- Korba (C.G.), District : Korba, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- It's Police-Station-Urga, Civil And Revenue District- Korba (C.G.), District : Korba, Chhattisgarh

---- Non-applicant

For Applicant – Shri B.L. Sahu, Advocate.

For Non-applicant/State – Shri Vijay Bahadur Singh, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-04-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 19-09-2017 in connection with Crime No.242/2016 registered at P.S. - Urga, District- Korba, Chhattisgarh for the offence under Section 363, 366-A, 376 of the IPC and under Section 5-L & 6 of POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The prosecutrix in this case is a major girl and she has willingly accompanied this applicant and has married with him. A false FIR was lodged by mother of the prosecutrix. The prosecutrix has been examined before the trial Court and she has not supported the prosecution case, even then she has not been declared hostile by the prosecution. Hence, a good case is made out for grant of bail in favour of the applicant.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for both the parties and perused the case diary.

5. According to the prosecution case, on 19-11-2016 the prosecutrix went missing. A missing report was lodged on 22-11-2016 by mother of the prosecutrix. On 14-09-2017 the prosecutrix was recovered from the custody of this applicant. The prosecutrix was found to be minor at the time of incident and on the basis of the statement given by her the offences were registered against this applicant.

6. Perused the case diary and also perused the certified copy of the statement given by the prosecutrix before the trial Court, on which the court has estimated her age about 19 years and she has stated similarly that she willingly accompanied the applicant and the applicant has married her and also this that her mother has lodged a false report. The prosecution has not taken care to ask leading question to this witness regarding her age on the date of incident. Taking into consideration the circumstances and specifically the statement of the prosecutrix before the trial Court, I am of this view that this applicant should be released on bail during pendency of the trial against him.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge