

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3939 of 2018

Mukesh @ Mukku Suryavanshi S/o Late Dilip Kumar Suryavanshi, aged about 21 years, R/o Village- Kachhar, Police Station Koni, District- Bilaspur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- Police Station Koni, District- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Rajeev Kumar Dubey, Advocate
For Respondent	:	Mr. Ramakant Pandey, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

26/06/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 294/2016 registered at Police Station- Koni, District- Bilaspur (C.G.) for the offence punishable under Sections 456, 363, 366, 376 (2) (ब) read with 34 of IPC and Section 5 (ब) and 6 of POCSO Act.
2. As per prosecution story Shivkumar Bhardwaj, father of the prosecutrix lodged a report at police station- Koni that on 24/10/2016, one Smt. Asha came to his residence and by alluring her daughter, she took her with her. When the prosecutrix did not return, she was searched, but she was not found. On the basis of above report, offence was registered and the applicant was arrested on 15/05/2017.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case. He further submits that at the relevant time, the age of the prosecutrix was over 18 years. She left her house on her own will and performed marriage with the applicant also. He further submits that the prosecutrix in her Court statement did not support the case of the prosecution and has turned hostile, therefore, he prays for grant of bail to the applicant.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the above facts and circumstances of the case, particularly considering that the prosecutrix in her Court statement has not supported the case of the prosecution and has turned hostile, without further commenting on merit of the case, I am inclined to release the applicant 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. 10,000/- with one surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
Judge
Arvind Singh Chandel