

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3963 of 2018

Virendra Thakur @ Chhotu S/o Gopiram Thakur, aged about 22 years, R/o Harmpara Geedam, District- South Bastar, Dantewada (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- the Police Station- Kotwali Bijapur, Distt. Bijapur (C.G.).

---- Respondent

For Applicant	:	Mr. Praveen Kumar Tulsiyan, Advocate
For Respondent	:	Mr. Satish Kumar Gupta, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27/06/2018

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. 22/2015 registered at Police Station- Kotwali Bijapur, District- Bijapur (C.G.) for the offence punishable under Sections 363, 366 (A) and 376 (2) (N) of IPC and under Sections 5 (m) and 6 of the POCSO Act.
2. As per prosecution story on 16/02/2015, a missing report was lodged by the father of the prosecutrix mentioning that her daughter (prosecutrix), aged about 10 years, did not return from the school and she is missing. On 25/04/2015, Gopinath, father of the applicant, informed the father of prosecutrix that the prosecutrix is in their home and she is not well. On receiving such information, Kamal (father of the prosecutrix) went there and brought the prosecutrix (daughter) with

him. It is alleged that the accused/applicant had taken the prosecutrix with him and committed sexual intercourse with her. Offence was registered and the applicant was taken into custody on 29/05/2017.

3. Learned counsel appearing on behalf of the applicant submits that there was love relation between the prosecutrix and the accused/applicant. The prosecutrix is about 18 years of age. She herself left her house and thereafter the prosecutrix and present applicant resided together for about 2-3 months. He further submits that the applicant is in custody since 29/05/2017, more than about 1 year, charge-sheet has been filed and the trial will likely to take some more time, therefore, the applicant may be released on bail.
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 at the relevant time, the prosecutrix was aged about 18 years and there was love relation between the prosecutrix and the applicant. Further considering that the applicant is in custody since 29/05/2017, more than about 1 year and the trial will likely to take some time to conclude, 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

Rahul