

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4076 of 2018**

- Roshan Luniya S/o Ramnarayan Luniya, aged 20 years, R/o village Navrangpur, P.S. Lormi, at present Murum Khandan Khamtarai, Sarkanda, Bilaspur, District Bilaspur (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh - Through : Police Station Pathriya, District Mungeli (C.G.)

---- Respondent

For Applicant. : Ms. Nirupama Bajpai, Advocate.
 For Respondent. : Shri Rahul Tamaskar, P.L.

Hon'ble Shri Justice Pritinker Diwaker**Order on Board****02/07/2018**

1. The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody since 23.02.2018 in connection with Crime No.73/2018 registered at Police Station : Pathriya, District Mungeli (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC, Sections 4 and 6 of POCSO Act.
2. As per the prosecution case, on 07.02.2018 the applicant took the prosecutrix, a minor girl, along with him to Visakhapatnam. It is said that on 22.02.2018 the prosecutrix returned to her parents' house.
3. Counsel for the applicant submits that though in the 161 Cr.P.C. statement the prosecutrix has alleged about the commission of offence under Section 376 IPC against the

applicant but in her 164 Cr.P.C. statement she has categorically stated that she went along with the applicant of her own after leaving her house. It has been argued that there is no conclusive evidence showing the prosecutrix to be a minor and the prosecution has filed the copy of admission register of the school and mark list. Learned counsel also argued that no document relating to date of birth of the prosecutrix has been filed and normally in the village entries are being made in the school registre on the basis of information given by the parents on assumption. It has been also argued that the applicant is in jail since 23.02.2018.

4. On the other hand, State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the record.
6. Considering the totality of the facts and circumstances of the case, in particular the evidence adduced by the prosecution and his detention period, this Court is of the opinion that it is a fit case to release the applicant on bail.
7. Accordingly, the application is allowed and the accused/applicant is directed to be released on bail on his furnishing a personal bond of Rs.2,00,000/- with one surety for the like sum to the satisfaction of the concerned Court for his appearance before it as and when directed.

Sd/-

(Pritinker Diwaker)
Judge