

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5536 of 2018

- Amjad Khan S/o John Mohammad Aged About 19 Years R/o- Kajiendra, Police Station- Mahant Maniyari, District- Mujaffarpur (Bihar) Present Resident Of College Chowk, Haridbajar, Police Station- Kusmunda, District- Korba, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Sc/st Welfare Police Station, District- Korba, Chhattisgarh.

---- Respondent

For Applicant	: Shri Lalit Jangde, Advocate.
For Respondent/State	: Shri Anil Pandey, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/08/2018

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 109/2018, registered at Police Station SC/ST Welfare Police Station, District Korba (C.G.) for the offence punishable under Sections 363, 366, 376, 366(a) of the IPC and Section 4 of the POCSO Act and Section 3 (2)(v) of SC/ST Atrocities Act.
2. As per the prosecution story, on 20-04-2018 complainant Bina Chouhan father of the prosecutrix lodged a report wherein it was mentioned that his daughter aged about 17 years is missing since 19-04-2018. Later on prosecutrix was recovered from the possession of the present applicant, on the basis of statement of prosecutrix offence has been registered and the applicant was arrested on 25-04-2018.
3. Shri Lalit Jangde, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. He further submits that there was a

love relationship between the prosecutrix and the present applicant, prosecutrix left her house on her own will. This fact is admitted by the prosecutrix in her statement recorded under Section 164 of Cr.P.C. He submits that applicant is in custody since 25.04.2018, charge-sheet has already been filed and trial will likely to take some time, therefore, applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the statement of the prosecutrix recorded under Section 164 of the Cr.P.C., the applicant is in custody since 25-04-2018, charge-sheet has already been filed and trial will likely to take some time, 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. 20,000/- with one surety in the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge