

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5474 of 2018

Anupam Maity S/o Tapan Maity, aged about 25 years R/o- Birampur, Police Station Junpur, District- Medinapur (West Bengal).

--- Applicant

Versus

State of Chhattisgarh, Through SHO Police Station- Kawardha, District- Kabirdham (C.G.).

---- Respondent

For Applicant	:	Mr. Shikhar Bakhtiyar, Advocate
For Respondent	:	Mr. Vaibhav Goverdhan, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

18/09/2018

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. 172/2018 registered at Police Station- Kawardha, District- Kabirdham (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Section 4 of the POCSO Act.
2. As per prosecution story, on 22/04/2018 one Sudharshan Kaushik, father of the prosecutrix (a girl aged about 16 years) lodged a missing report of his daughter. On the basis of said report, offence was registered. During investigation, on 28/04/2018 the prosecutrix was recovered from the possession of the present applicant. It was alleged that the applicant kidnapped the prosecutrix and took her to West Bengal, where on the pretext of marriage, he committed sexual intercourse with her. The applicant has been taken into custody on 18/05/2018.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated. He further submits that the prosecutrix is aged about 18 years. There was love relation between the prosecutrix and the applicant. The prosecutrix had left her house on her own will and both (the applicant and the prosecutrix) have performed marriage. He further submits that the prosecutrix in her statement recorded under Section 164 of the Cr.P.C has admitted the fact that there was love relation between them and she had left her house on her own will. The applicant is in custody since 18/05/2018 and charge-sheet has been filed, therefore, he 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 entire facts and circumstances of the case, particularly considering that the applicant is in custody since 18/05/2018 and the prosecutrix in her statement, recorded under Section 164 of the Cr.P.C, has admitted that she had left her house on her own will and there was love relation between them, without further commenting on merits 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 for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge