

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5481 of 2018

Jayaspal Chauhan S/o Akadashiya Chauhan, aged about 21 years, R/o Dansara, Police Station Sarangarh, District- Raigarh (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police of Police Station- Patthalgaon, District- Jashpur (C.G.).

---- Respondent

For Applicant	:	Mr. Anil Gulati, Advocate
For Respondent	:	Mr. Bhaskar Pyashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13/09/2018

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. 77/2018 registered at Police Station- Patthalgaon, District- Jashpur (C.G.) for the offence punishable under Sections 363, 366 and 376 of the IPC and Section 4 of the POCSO Act.
2. As per prosecution story, on 23/03/2018 father of the prosecutrix lodged a report alleging therein that the present applicant abducted her daughter, a girl aged about 15 ½ years. During course of investigation, the prosecutrix was recovered from the possession of the applicant on 28/05/2018. Statement of the prosecutrix was recorded. The applicant was arrested on 29/05/2018.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present

case. There was love relation between the prosecutrix and the applicant. The prosecutrix herself left her house. In her statement recorded under Section 164 of the Cr.P.C, she has not supported the case of the prosecution. He further submits that the applicant is in custody since 29/05/2018 and the trial will likely to take some 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 entire facts and circumstances of the case, particularly considering that the applicant is in custody since 29/05/2018 and the prosecutrix in her statement recorded under Section 164 of the Cr.P.C has not supported the case of the prosecution, 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