

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5507 of 2018**

Lalit Chauhan S/o Late Ramkunwar Chauhan, aged about 22 year R/o Pemla, Police Station- Bagbahar, District- Jashpur (C.G.).

**--- Applicant**

**Versus**

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

**---- Respondent**

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| For Applicant  | : | Mr. Manoj Chauhan, Advocate |
| For Respondent | : | Mr. Vaibhav Goverdhan, PL   |

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**Hon'ble Shri Justice Arvind Singh Chandel**

**Order on Board**

**24/08/2018**

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. 20/2018 registered at Police Station- Tumla District- Jashpur (C.G.) for the offence punishable under Sections 363, 376 read with 109 of the IPC and Section 17 of the POCSO Act.
2. As per prosecution story on 13/03/2018, Motu Ram, brother of the prosecutrix, a girl aged about 16 years at the relevant time, lodged a report that the prosecutrix went to Basti on 13/03/2018 and did not come back. Thereafter, on search it was found that her friend- Sumanti was also missing. Subsequently, the prosecutrix was recovered on 17/03/2018 from the possession of Sumanti Bai. After recording the statement of the prosecutrix, offence was registered and the applicant was taken into custody on 18/03/2018.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that this applicant has love relation with the friend of the prosecutrix namely- Sumanti. The main allegation is against co-accused- Mohan. He further submits that there is nothing on record on the basis of which the present applicant has been implicated, therefore, the present 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 from the statement of the prosecutrix recorded under Section 164 of the Cr.P.C, it seems that the main accused is Mohan and no allegation is made against the present applicant regarding kidnapping or rape, 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 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**