

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 5541 of 2018

- Raghuveer Vishwakarma S/o Late Kholbahra Aged About 20 Years R/o Ward No. 54 Naharpara, Barampur, Sarvamangla Nagar, Kusmunda, District Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kusmunda, Korba, District Korba, Chhattisgarh

---- Respondent

For Applicant	: Shri Vimlesh Bajpai, Advocate.
For Respondent/State	: Shri SRJ Jaiswal, PL.

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. 169/2016, registered at Police Station Kusmunda, District Korba (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Section 4 & 6 of the POCSO Act, 2012.
2. As per the prosecution story, prosecutrix who is a lady studied in Class 11th aged about 16 years did not return from school to her home on 22-08-2016. She was searched by her family members but she was not found anywhere. Later on she communicated with her family members by phone that she married with the applicant, thereafter, father of the prosecutrix lodged a report against the applicant, offence has been registered and the applicant was arrested on 17.05.2018.
3. Shri Vimlesh Bajpai, 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 herself left her house with her own will. He further submits that prosecutrix and his son is living along with the parents of the applicant, applicant is in custody since 17-05-2018, 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 17-05-2018, 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