

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5768 of 2018

Mukesh, S/o Amrit Singh Gond, Aged About 20 Years, R/o- Badsara (Jhinhripara), Police Station Jhilmili, District- Surajpur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police of Police Station- Jhilmili, District- Surajpur, Chhattisgarh

---- Respondent

For Applicant	: Shri Anil Gulati, Advocate.
For Respondent/State	: Shri Anil Pandey, G.A.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

07/09/2018

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. 50/2018, registered at Police Station Jhilmili, Police of Police Station – Jhilmili, District – Surajpur (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 and 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution story, it is alleged that on 05.04.2018, brother of the prosecutrix Ramsunder has lodged a report against

the applicant where in it has been alleged that the applicant abducted the prosecutrix who is aged about 17 years and 11 months. On the basis of said report police has registered the case against the applicant. On 05.04.2018 itself prosecutrix has been recovered from the possession of the applicant. Statements of the prosecutrix were recorded wherein she herself stated that the applicant has established physical relationship with her. The applicant is arrested on 06.04.2018.

3. Shri Anil Gulati, learned counsel appearing on behalf of the Applicant submits that applicant is innocent and he has been falsely implicated in the present case. There was a love relationship between the applicant and the prosecutrix. The Prosecutrix herself left her house and ran away with the applicant and in her statement recorded under Section 164 she did not support the case of the prosecution. He further submits that applicant is in custody since 06.04.2018, 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 further considering the facts that the statement of the prosecutrix which has been recorded under Section 164 has also not supported the case of the prosecution, the applicant is in custody since 06-04-2018 and the 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. 10,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when directed.

**Sd/-
(Arvind Singh Chandel)
Judge**