

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5986 of 2018

Alifeston Kurrey @ Bittu S/o Vyasnarayan, Aged about 19 years (wrongly mention in order sheet i.e. 29 years old), Resident of Village- Gumiya, Out Post- Hardibazar, Police- Station- Kusmunda, District- Korba (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- it's Police Station- Urga, Civil & Revenue, District- Korba (C.G.).

---- Respondent

For Applicant	:	Mr. Ravi Maheshwari, Advocate
For Respondent	:	Mr. S.R.J. Jaiswal, 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. 124/2018 registered at Police Station- Urga, Civil & Revenue dist. - Korba (C.G.) for the offence punishable under Sections 363 and 366-A of the IPC and Section 12 of the POCSO Act.
2. As per prosecution story, father of the prosecutrix lodged a report regarding missing of her minor daughter, aged about 13 years against unknown persons. On being searched, it was found that the prosecutrix had gone with the present applicant. On 03/06/2018, the prosecutrix returned to her house and her statement was recorded. The applicant was arrested on 03/06/2018.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. The prosecutrix herself left her house. In her statement recorded

under Section 164 of the Cr.P.C, she did not depose anything against the present applicant regarding any crime/offence. He further submits that the applicant is in custody since 03/06/2018 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 03/06/2018, charge-sheet has already been filed 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