

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5821 of 2018

Padum Singh S/o Late Gyan Singh Rajput, aged about 25 years R/o Nawapara,
Police Station- Chhura, District- Gariyaband (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- Station House Officer, Police Station- Devendra
nagar, Raipur, District- Raipur (C.G.).

---- Respondent

For Applicant	:	Mr. Aditya Khare, Advocate
For Respondent	:	Mr. U.K.S. Chandel, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

28/09/2018

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. 401/2017 registered at Police Station- Devendra Nagar, Raipur, District- Raipur (C.G.) for the offence punishable under Section 363, 366 & 376 of the IPC and Section 4 of the POCSO Act.
2. As per prosecution story, on 29/08/2017 father of the prosecutrix namely- Swami Sharan Pandey lodged a missing report of her daughter alleging therein that from 17/08/2017, her daughter was missing. It is alleged that the applicant, on the pretext of marriage, abducted and detained the prosecutrix and committed sexual intercourse with her. The applicant was arrested on 05/03/2018.
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 is a major aged about 17 years. She herself had left her house. There was love relation between the applicant and the prosecutrix and both have performed marriage. In the statement recorded under Section 164 of the Cr.P.C., the prosecutrix has not supported the case of the prosecution. The applicant is in custody since 05/03/2018, charge-sheet has been filed and the trial will take time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. Considering the entire facts and circumstances of the case, particularly considering that the applicant is in custody since 05/03/2018, charge-sheet has already been filed and in the statement recorded under Section 164 of the Cr.P.C., the prosecutrix has not supported the case of the prosecution, without further commenting on merit of the case, I am inclined to release the applicant on bail.
6. Accordingly, the bail application is allowed.
7. 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