

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5832 of 2018

Babu Lal Yadav S/o Dhani Ram Yadav, aged about 21 years, R/o. Village Hawapan, P.S. Barela, District- Bemetara (wrongly written as Bilaspur) (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- the Station House Officer, Police Station Sirgitti, District- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Rajeev Kumar Dubey, Advocate
For Respondent	:	Mr. S.R.J. Jaiswal, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

11/09/2018

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. 164/2018 registered at Police Station- Sirgitti, District- Bilaspur (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the POCSO Act.
2. As per prosecution story, on 13/05/2018 the prosecutrix, a girl aged about 17 years left her house. A missing report in this regard was lodged by his uncle Suresh Yadav on 14/05/2018 against unknown persons. Later on, the prosecutrix was recovered from the possession of the present applicant. It is alleged that the applicant, on the pretext of marriage, took the prosecutrix with him and committed sexual intercourse with her. Offence was registered and the applicant was taken into custody on 20/07/2018.

3. Learned counsel appearing on behalf of the applicant submits that there was love relation between the applicant and the prosecutrix. The prosecutrix is aged about 18 years and she herself had left her house. In her statement recorded under Section 164 of the Cr.P.C, she has not supported the case of the prosecution. He further submits that the applicant is in custody since 20/07/2018 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 20/07/2018 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