

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5984 of 2018

Raju Nag S/o. Late Madhu Nag, aged about 26 years R/o Village Orna Camp, Adawal, P.S. Bodhaghat, District- Bastar (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through- the Police Station Parpa, District- Bastar (C.G.).

---- Respondent

For Applicant	:	Mr. Pravin Kumar Tulsyan, 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. 90/2018 registered at Police Station- Parpa, District- Bastar (C.G.) for the offence punishable under Sections 363, 366 and 376 of the IPC and Section 6 of the POCSO Act.
2. As per prosecution story, on 24/04/2017 father of the prosecutrix lodged a missing report regarding missing of her daughter, a girl aged about 17 years. On the basis of the said report, offence under Section 363 of the IPC was registered. During investigation, it was found that the applicant took the prosecutrix to Andra Pradesh, where he committed sexual intercourse with her. When the prosecutrix became pregnant, the applicant along with her came to Jagdalpur for treatment and then the prosecutrix was recovered from the possession of the applicant. Later on, Sections 366 & 376 of the IPC and Section 6 of the POCSO Act were added. The applicant was arrested on

28/05/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. There was love relation between the prosecutrix and the applicant. The prosecutrix herself left her house. The applicant and the prosecutrix had performed marriage and they have a child. The prosecutrix and her child are residing with the parents of the applicant. 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 28/05/2018 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 28/05/2018 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