

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6136 of 2018

- Arti Das S/o Milandas Mahant Aged About 26 Years R/o Doomarpara, (Dhanelibhata) P. S. Baradwar, District Janjgir Champa Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, Janjgir District Janjgir Champa Chhattisgarh

---- Respondent

For Applicant : Shri Shakti Raj Sinha, Advocate.
For Respondent/State : Shri Sangharsh Pandey, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/10/2018

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. 132/2017, registered at Police Station Baradwar, District Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Section 4 & 6 of the POCSO Act.
2. As per the prosecution story, prosecutrix is a girl aged about 15 ½ years her date of birth is 12.01.2003, the incident occurred on 16.06.2017. On 18.06.2017, father of the prosecutrix made a report that his daughter/prosecutrix is missing since 16.06.2017. On the basis of said report. During course of investigation prosecutrix has been recovered and her statements were recorded. On the basis of her statement, offence has been registered against the present applicant and he has been taken on custody on 20.06.2017.
3. Learned counsel appearing on behalf of the Applicant submits that there was a love relationship between the prosecutrix and the

applicant, prosecutrix left her house on her own will. He further submits that in her statement, she did not support the case of the prosecution, applicant is in custody since 20.06.2017, charge-sheet has been filed and trial will take time, therefore, applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application and submits that there is sufficient evidence available on record against the applicant. He further submits that in her Court statement too, prosecutrix categorically stated that applicant has abducted her and raped her, therefore, looking to the above statements of the prosecutrix, applicant may not be released on bail.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the prosecutrix is a minor girl. In her Court statement, she categorically stated that applicant has abducted her and committed forcefully sexual-intercourse with her, therefore, looking to the above statements of the prosecutrix and evidence available on record against the applicant, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application is rejected.

Sd/-
(Arvind Singh Chandel)

Judge