

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6001 of 2018

Shishok S/o Late Shyamlal Agariya, aged about 32 years, R/o Sakola, Chowki Kotmi, P.S. Pendra, District- Bilaspur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, P.S. Gourela District Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Yogesh Chaturvedi, Advocate
For Respondent	:	Mr. Vivek Singhal, Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/09/2018

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. 25/2017 registered at Police Station- Gourela, District- Bilaspur (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 prosecution story, one Rajesh, father of the prosecutrix lodged a missing report of her daughter (aged about 16 years). On the basis of said report, offence under Section 363 was registered. During course of investigation, the prosecutrix was recovered from the possession of co-accused Ganesh Ram on 30/05/2018. Statement of the prosecutrix was recorded. It is alleged that on 28/12/2016, the present applicant, by alluring the prosecutrix, took her to Annupur by train and then to Ashok Nagar and then to Indore. There, the applicant

arranged the marriage of co-accused- Ganesh with the prosecutrix. Thereafter, the prosecutrix stayed with co-accused as his wife and gave birth to a baby girl. The applicant has been taken into custody on 10/07/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the main accused is Ganesh Ram who has already granted bail from the Sessions Court. The prosecutrix herself left her house and herself performed marriage with co-accused Ganesh. The present applicant has not played any active role. He further submits that the applicant is in custody since 10/07/2018, charge-sheet has been filed 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 10/07/2018, charge-sheet has already been filed and further considering that the prosecutrix had performed marriage with co-accused Ganesh, who has already been released on bail by the Sessions Court, without further commenting on merits of the case, 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

Rahul