

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6064 of 2018**

Dhani @ Nirdhani Vishwakarma, S/o Late Shri Anand Vishwakarma, Aged About 27 Years, R/o Rajendra Prasad Nagar Colony Khursipar Gate Bhilai Durg Distt. Durg Chhattisgarh Temporary Adds.- Indira Nagar, Fci Road Kosammagudi, Thana-1 Town Godawari Khani, Distt. Pettapalli, Telangana

---- Applicant**Versus**

State of Chhattisgarh, Through The Station House Officer, Police Station Jamul Civil and Revenue, District : Durg, Chhattisgarh

---- Respondent

For Applicant	: Shri Sunil Sahu, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

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 Cr.P.C. for grant of regular bail as he is arrested in connection with Crime No. 650/2016, registered at Police Station – Jamul, District – Durg (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and under Section 5(1) of the Protection of Children's from Sexual Offences Act, 2012.
2. As per the prosecution story, on 11.12.2016, Pawan Kumar father of the prosecutrix has lodged a report that his daughter aged about 17 years missing since 06.12.2016. On the basis of the said report, offence has been registered against unknown person. On 25.05.2018, prosecutrix has been recovered from the possession of the present applicant, her statement under Section 161 of Cr.P.C. has been recorded thereafter on 26.05.2018 applicant has been arrested.
3. Shri Sunil Sahu, learned counsel appearing on behalf of the Applicant

submits that applicant is innocent and he has been falsely implicated in the present case. He further submits that there is a love relation between the applicant and the prosecutrix and she left her house at her own will. They also performed marriage and from their wedlock a child was born out. He further submitted that the applicant is in custody since 26.05.2018, the prosecutrix in her statement of 164 of the Cr.P.C. does not support the case of the prosecution, charge sheet has been filed and trial will likely to take some more time, therefore, he may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution, the facts that the prosecutrix did not support the case of the prosecution and the applicant is in custody since 26.05.2018, charge sheet has been filed, therefore, trial will likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 10,000/- 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