

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6510 of 2018

- Ganesh Markam, S/o Shri Shankar Markam, aged about 22 Years R/o Village Vijaypur Chowki Junapara Police Station -Takhatpur, District-Bilaspur Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Police Station -City Kotwali, Distt. Mungeli Chhattisgarh.

---- Respondent

For Applicant : Shri Dheerendra Pandey, Advocate.
For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/10/2018

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. 105/2018, registered at Police Station – City Kotwali, Mungeli, District- Mungeli, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act, 2012.
2. As per the prosecution story, on 18.02.2018, Complainant Ramavtar Sahu, father of the prosecutrix lodged a report wherein it was stated that her minor daughter (prosecutrix), aged about 17 years and 9 months, left the house on 16.02.2018 alongwith the present Applicant and co-accused Rupendra Kumar in a motorcycle. On the basis of the said report, offence has been registered against the present Applicant and co-accused Rupendra. On 20.02.2018, prosecutrix was recovered. The Applicant was taken into custody on 20.02.2018.
3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

further states that the prosecutrix left the house and went alongwith the Applicant and co-accused on her own will. According to the statement of the prosecutrix, recorded under Section 164 of Cr.P.C., no case is made out against the Applicant. He further submits that co-accused Rupendra Kumar has already been granted bail by this Court vide order dated 17.07.2018, passed in MCRC No. 4571/2018. The Applicant is in custody since 20.02.2018, hence, it is prayed that he may be enlarged on bail.

4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the statement recorded under Section 164 of Cr.P.C. of the prosecutrix, she herself does not support the case of the prosecution, and co-accused has already been granted bail, Applicant is in custody since 20.02.2018 and trial is 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. 20,000/- with one solvent 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