

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6375 of 2018

- Chandrakumar Sahu S/o Shri Sundar Sahu Aged About 21 Years R/o Village Salghori P. S. Lormi, District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through P. S. Lormi, District Mungeli Chhattisgarh

---- Respondent

For Applicant : Shri Dheerendra Pandey, Advocate.
For Respondent/State : Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/10/2018

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. 137/2012, registered at Police Station Lormi District Mungeli (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 & 6 of the POCSO Act.
2. As per the prosecution story, on 31.03.2018, mother of the prosecutrix Hemwati Bai Sahu lodged a report wherein, she was stated that her daughter aged about 17 years 2 months was missing since 08.03.2018, thereafter she came to know the fact that her daughter went along with the present applicant. On the basis of said report, offence has been registered against the applicant. Prosecutrix was found along with the applicant and she was recovered with the company of the applicant. Applicant has been arrested on 31.03.2018.
3. 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 was a love relationship between the applicant and the prosecutrix, prosecutrix left her house on her

own will. In her statement recorded under Section 164 of Cr.P.C as well as statement recorded before the Court, during trial, she has not supported the case of the prosecution and turned hostile. Therefore, no offense is made out against the applicant, he further submits that the charge-sheet has already been filed, the applicant is in custody since 31-03-2018 and trial will take some time, therefore, applicant 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.
6. Considering the fact and circumstances of the case, particularly, evidence collected by the prosecution and further considering the fact that in the statement of prosecutrix recorded under Section 164 of Cr.P.C., she did not support the case of the prosecution and turned hostile. The applicant is in custody since 31-03-2018, charge-sheet has been filed and trial will likely to take some time, 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 solvent surety for the like amount to the satisfaction of the trial court for his appearing before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)

Judge