

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6266 of 2018

- Durgesh Tamrakar S/o Shri Iswar Lal Tamrakar Aged About 22 Years R/o- Village- Ghanapara, Ghutaku, Police Station- Koni, Civil And Revenue District- Bilaspur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through- The Station House Officer, Police Station- Koni, Civil And Revenue District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Shri Paras Mani Shrivastava, Advocate.
For Respondent/State : Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/09/2018

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. 101/2018, registered at Police Station Koni, District Bilaspur (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (J) of the IPC and Section 6 of the POCSO Act 2012.
2. As per the prosecution story, since 04-04-2018 prosecution left her house. On 09-04-2018 her father Sanjay Kumar Garhewal has lodged a missing report of his daughter. During course of investigation she has been found at the residence of present applicant. Statement of prosecutrix has been recorded and on the basis of her statement offence has been registered and the applicant has been arrested on 11-04-2018.

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 the prosecutrix is a major girl, she herself left her house in her own will and *prima facie* no offence has been made against the applicant. In her statement recorded under Section 164 of Cr.P.C., wherein, she did not support the case of the prosecution, charge-sheet has already been filed, the applicant is in custody since 11-04-2018 and trial will likely to 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, evidence collected by the prosecution and further considering the fact that the prosecutrix did not support the case of the prosecution in her statement record under Section 164 of Cr.P.C., charge-sheet has been filed, the applicant is in custody since 11-04-2018 and trial will likely to take some time, without further commenting on merit 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 appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge