

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6720 of 2018

Nilesh @ Nileshwar Verma S/o Durga Verma Aged About 25 Years R/o Barga Police Station-Khamhariya, District- Bemetara, Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station-Bemetara, Chhattisgarh

---- Respondent

For Applicant	: Shri Rajkumar Pali, Advocate.
For Respondent/State	: Shri Ashutosh Pandey, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

10/10/2018

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. 16/2018, registered at Police Station Bemetara, District – Bemetara (C.G.) for the offence punishable under Sections 363, 366A and 376 of the IPC and Sections 5(1) and 6 of the POCSO Act.
2. As per the prosecution story, on 10.01.2018, a missing report was lodged by father of the prosecutrix against an unknown person. Later on, the prosecutrix was recovered from the village of applicant. Further case of the prosecution is that on 11.01.2018, the marriage of applicant and the prosecutrix was solemnized in the Arya Samaj Temple and that the prosecutrix is carrying pregnancy of about 5 months. Based on this, an offence has been registered against the applicant and he has been

arrested on 27.06.2018.

3. Learned counsel appearing on behalf of the Applicant submits that the prosecutrix of her own went along with the applicant and performed marriage in the Arya Samaj Temple. He further submits that the prosecutrix, on the date of incident was major. He also submits that the applicant is in custody since 27.06.2018, charge-sheet has already been filed and trial will likely to take some time and there is no legally admissible evidence showing the prosecutrix to be minor and 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 facts and circumstances of the case and further considering the fact that the applicant is in custody since 27.06.2018, their marriage was solemnized in the Arya Samaj Temple certificate of which is attached in this application and that the trial will 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. 25,000/- with one surety for the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when directed.

Sd/-
(Rajani Dubey)
Judge