

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6930 of 2018

- Nandkumar Sidar S/o Shri Pyarelal Sidar Aged About 18 Years R/o Sakti, Police Station And Tehsil- Sakti, Civil And Revenue District- Janjgir- Champa, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Officer In-charge Police Station- Sakti, District- Janjgir- Champa, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ramesh Kumar Nayak, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/10/2018

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. 447/2018, registered at Police Station Sakti, District Janjgir Champa (C.G.) for the offence punishable under Sections 363, 366 (A) & 34 of the IPC and Section 4 of the POCSO Act.
2. As per the prosecution story, on 06.08.2018 the prosecutrix has gone to get medicines for her mother thereafter when she did not come back to her home, while searching the mother of the prosecutrix was informed by one Lokendra Sidar that he had seen her daughter/prosecutrix going on bike with accused Devendra Chauhan along with present applicant. Thereafter, report has been lodged by father of the prosecutrix Vijay Kumar Jaiswal. On the basis of said report offence has been registered and the present applicant has been taken on custody on 08.08.2018.
3. Learned counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the present

case. He further submits that there is a love relationship between the prosecutrix and the co-accused Devendra Chouhan, she herself left her house on her own will and prosecutrix and co-accused Devendra Chouhan are still not traced yet. Allegations against the present applicant is only that he assisted them to fled away, he is in custody since 08.08.2018 and trial will take some 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 with due care.
6. Considering the facts and circumstances of the case, evidence collected by the prosecution and further considering the fact that prosecutrix and co-accused Devendra Chouhan are still not traced, allegations against the present applicant is only that he assisted them to fled away, he is in custody since 08-08-2018 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 surety in the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge