

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 6978 of 2018

- Montu Yadav S/o Dhalu Yadav, aged about 24 years, R/o Jhanda Chowk, Tatibandh Basti, Police Station Amanaka, District Raipur

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police of P.S.- Amanaka, District Raipur (C.G.)

---- Respondent

For Applicant	: Shri BL Sahu, 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. 52/2018, registered at Police Station Amanaka, District Raipur (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the POCSO Act.
2. As per the prosecution story, in this case, prosecutrix is a girl aged about 17 years. On 15.03.2018 a missing report of the prosecutrix has been lodged by her mother namely Kewra Nishad. On the basis said report, offence has been registered. During course of investigation on 19.03.2018 prosecutrix herself returned to her home, her statements were recorded thereafter on the basis of her statements, applicant has been arrested on 19.03.2018 itself.
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 prosecutrix is a major lady, she herself left her house on her own will, there was a love relationship between

the prosecutrix and the applicant and her statements recorded under Section 164 of the Cr.P.C. she does not support the case of the prosecution, applicant is in jail since 19-03-2018 and trial will take some time to conclude. 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 statements of the prosecutrix recorded under Section 164 of the Cr.P.C. she does not support the case of the prosecution, applicant is in custody since 19-03-2018, charge-sheet has been filed 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