

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7467 of 2018

- Sanjay @ Chutu S/o Vijay Dahire Aged About 22 Years R/o Village Basni Present Address Satnamipara, Police Station Kunda, District Kabirdham Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Kunda, District Kabirdham Chhattisgarh

---- Respondent

For Applicant	: Shri Dharmesh Shrivastava, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

16/11/2018

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. 108/2018, registered at Police Station Kunda, District Kabirdham (C.G.) for the offence punishable under Sections 363, 366, 376 & 34 of the IPC and Section 3 & 4 of the POCSO Act.
2. As per prosecution story, prosecutrix is a girl aged about 16 years 3 months, allegations against the present applicant is that on the pretext of marriage he took the prosecutrix to village Basna thereafter she was taken to Bemetara and Durg by bus and after that he took her to Katni by train, where she was sexually exploited by the applicant. On 01.05.2018 prosecutrix has been recovered and thereafter her statement was recorded. On the basis of her statement, the applicant has been arrested on 02.05.2018.
3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and has been falsely implicated in the present

case. He further submits that there was a love relationship between the prosecutrix and the applicant, in her statement 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 02.05.2018 and trial will take some more 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.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, 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 02.05.2018 and trial will likely to take some more 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. 25,000/- with one local solvent surety for 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