

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 7784 of 2018

- Bimlesh Kumar S/o Shri Narayan Prasad Ogre Aged About 22 Years
R/o Village- Mohtara, Police Station- Mungeli, District- Mungeli,
Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Mungeli, District-
Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri Dheerendra Pandey, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/11/2018

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. 308/2018, registered at Police Station Mungeli, District Mungeli (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the POCSO Act.
2. In this case prosecutrix is a girl aged about 16 years 6 months and four days. On 03.07.2018, mother of the prosecutrix lodged a report regarding missing of her daughter/prosecutrix. During course of investigation, prosecutrix has been recovered from the possession of the present Applicant, her statements were recorded and thereafter the Applicant has been arrested on 18.07.2018.
3. Learned counsel appearing on behalf of the Applicant submits that applicant is innocent and has been falsely implicated in the present case, there was a love relationship between the prosecutrix and the present Applicant, prosecutrix left her house on her own will. He

further submits that prosecutrix has already examined before the Trial Court and she does not support the case of the prosecution and turned hostile. The Applicant is in custody since 18.07.2018, charge-sheet has already filed 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.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that prosecutrix has already examined before the Trial Court and she does not support the case of the prosecution and turned hostile. The Applicant is in custody since 18.07.2018, charge-sheet has already filed and trial will 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 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