

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7921 of 2018**

Kanhaiya Bargah S/o Parmeshwar Bargah, aged about 19 years, R/o Godpara Ramtalah, P.S. Koni, District- Bilaspur (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Police Station- Koni, District- Bilaspur (C.G.).

---- Respondent

For Applicant	:	Mr. Sunil Otwani, Advocate
For Respondent	:	Mr. Sangharsh Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

01/11/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 171/2018 registered at Police Station- Koni, Distt. Bilaspur (C.G.) for the offence punishable under Section 363, 366 & 378 of the IPC and Section 4 of the POCSO Act.
2. In this case, the prosecutrix is a girl aged about 16 years 1 month at the time of incident. A complaint was made by the father of the prosecutrix stating therein that her daughter is missing and on the next day, the prosecutrix informed him that she is in love with the present applicant and is fine with him. On the basis of said report, initially the applicant was arrested on 01/08/2018 for the offence punishable under Section 363 of the IPC. After investigation, offence under Section 366, 376 of the IPC and Section 4 of the POCSO Act were also added.

3. Learned counsel appearing on behalf of the applicant submits that the prosecutrix is a lady aged more than 16 years. There was love relation between the applicant and the prosecutrix. She herself left her house on her own will. He further submits that both have performed marriage. The applicant is in custody since 01/08/2018, charge-sheet has been filed and the trial will take time, therefore, the applicant may be released on bail
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering the evidence collected by the prosecution, 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. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge