

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7932 of 2018

- Ajay Netam S/o Deocharan Netam, aged about 21 Years R/o Behind Sapna Talkies, Durga Para, Bhilai, Police Station- Chhawani, District- Durg, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station- Chhawani, Durg, District- Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vijay Kumar Sahu, Advocate.
For Respondent/State	: Shri R.K. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

13/11/2018

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. 281/2018, registered at Police Station – Chhawani, District- Durg, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 5(२), & 6 of POCSO Act, 2012.
2. As per the prosecution story, on 05.04.2018, Complainant Amrika Bai (mother of the prosecutrix), lodged a missing report of her daughter (prosecutrix), aged about 18 years. Later on 22.04.2018 prosecutrix was recovered from the possession of present Applicant. It is alleged that the Applicant abducted the prosecutrix with false promise of marriage and took her various places and committed sexual intercourse with her. On the basis of the said report, offence has been registered against the present Applicant and has been taken into custody on 22.04.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that during trial, prosecutrix was examined wherein she has not supported the case of the prosecution. Charge-sheet has already been filed. The Applicant is in custody since 22.04.2018. Therefore, he 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 the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the prosecutrix has turned hostile and has not supported the case of the prosecution, the Applicant is in custody since 22.04.2018 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 solvent 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