

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8619 of 2018**

- Lotan @ Vikas Banjara S/o Bhanu Prasad, aged about 22 Years R/o Village Navagaon Thelka, Police Station -Fasterpur, District Mungeli, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Fasterpur, District Mungeli, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ansh Tiwari, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

30/11/2018

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. 16/2018, registered at Police Station – Fasterpur, District- Mungeli, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 4 & 6 of POCSO Act, 2012.
2. In this case, prosecutrix is a girl aged about 17 years and 4 months. On 03.02.2018, father of the prosecutrix lodged a report wherein it has been alleged that the present Applicant abducted his daughter. On 25.09.2018, prosecutrix was recovered from the possession of the Applicant. Statements of the prosecutrix have been recorded. On the basis of the said report, offence has been registered against the Applicant and has been taken into custody on 25.09.2018.
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 there was a love relationship between the Applicant

and the prosecutrix and she herself had left the house on her own will. He also submits that both the Applicant and the prosecutrix have performed marriage and at present prosecutrix is residing in the house of the Applicant. The Applicant is in custody since 25.09.2018. 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 Applicant is in custody since 25.09.2018 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