

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8601 of 2018

- Nemchand Baghel S/o Daulal, aged about 23 Years, Caste Satnami R/o Village Nathu Nawagaon, Police Station Dongargaon, District Rajnandgaon Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police of Police Station, Bortalav, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Shri Abhishek Sharma, Advocate.
For Respondent/State : Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

28/11/2018

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. 09/2017, registered at Police Station – Bortalav, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 3 & 4 of POCSO Act, 2012.
2. As per prosecution story, on 24.07.2017, father of the prosecutrix lodged a missing report regarding missing of her daughter. At the time of incident, age of the prosecutrix was 17 years and 5 months. Later on 21.05.2018, prosecutrix was recovered. Her statements were recorded thereafter the Applicant has been arrested. Allegedly, on 22.04.2017, the Applicant abducted the prosecutrix and on the pretext of marriage committed sexual intercourse with her. The Applicant has been taken into custody on 02.10.2018.
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 the prosecutrix herself had left the house on her own will. He further submits that both the Applicant and the prosecutrix have performed marriage in Rajnandgaon. Statement of the prosecutrix has been recorded under Section 164 of Cr.P.C. wherein she does not support the case of the prosecution. The Applicant is in custody since 02.10.2018. 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 02.10.2018 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