

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8609 of 2018

- Lomas Sahu S/o Dashrath Sahu Aged About 24 Years R/o Village - Kushdouvna Panchayat Kurumpuri, Police Station Lakhna, District Nawapada (Orissa)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Line, District Raipur Chhattisgarh

---- Respondent

For Applicant	: Ms. Fouzia Mirza, Advocate.
For Respondent/State	: Shri RK Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

29/11/2018

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. 280/2018, registered at Police Station – Civil Line, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of the IPC and Section 4 of the POCSO Act, 2012.
2. In this case, prosecutrix is a girl aged about 17 years 10 months. On 19.04.2018, father of the prosecutrix namely Roopdhar lodged a missing report of his daughter/prosecutrix. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, prosecutrix was found along with the present applicant at Uday Hotel, Bilaspur (C.G.), thereafter her statements were recorded. Allegedly, present applicant took the prosecutrix to Chandrahasini Temple thereafter they went to Bilaspur and stayed at Udai Hotel where the applicant has established

forcefully physical relationship with the prosecutrix. On the basis of above, the applicant has been arrested on 25.07.2018.

3. Learned Counsel appearing on behalf of the applicant submits that the Applicant is innocent and has been falsely implicated in the case. She further submits that there was a love relationship between the applicant and the prosecutrix, prosecutrix left her house on her own will. The applicant is in custody since 15.07.2018, 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 the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
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 15.07.2018, charge-sheet has already filed and trial will 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