

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 8978 of 2018

- Omprakash Singh S/o Shri Shyam Prasad Singh Aged About 19 Years
R/o Village Aghari Police Station Sunnykhedpur, District Sitamadi
Bihar, District : Sitamarhi, Bihar

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Mungeli District Mungeli Chhattisgarh

---- Respondent

For Applicant	: Shri Dheerendra Pandey, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

05/12/2018

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. 277/2018, registered at Police Station – City Kotwali, District- Mungeli (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the POCSO Act.
2. In this case prosecutrix is a girl aged about 15 years 11 months, on 18.06.2018, a missing report of prosecutrix was made by Laxman Gupta father of the prosecutrix. On the basis of said report, initially offence under Section 363 & 366 of the IPC has been registered. During course of investigation on 18.08.2018 prosecutrix has been recovered from the possession of the present applicant. Her statements were recorded, thereafter other offence were added and the applicant has been taken in custody since 18.08.2018.
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 submits that there was a love relationship between the applicant and the prosecutrix, prosecutrix left her house on her own will, they have also performed marriage with each other, prosecutrix was examined before the Trial Court and she does not support the case of the prosecution and turned hostile, the Applicant is in custody since 18.08.2018 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 prosecutrix was examined before the Trial Court and she has not supported the case of the prosecution and turned hostile, the Applicant is in custody since 18.08.2018 and trial is likely to take some time, without further commenting on merits 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. 25,000/- 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