

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8989 of 2018

- Amrit Dhritlahre S/o- Mahesh Dhritlahre, Aged about 21 years R/o Village Kutesar, Police Station-Mandir Hasoud Raipur, Tahsil & District Raipur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Police Station-Mandir Hasoud, District Raigarh (C.G.)

---- Respondent

For Applicant	: Ms. Fouzia Mirza, Advocate.
For Respondent/State	: Mrs. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

06/12/2018

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. 139/2018, registered at Police Station – Mandir Hasoud, District- Raigarh (C.G.) for the offence punishable under Section 363, 366 & 376 of the IPC and Section 4 & 6 of the POCSO Act.
2. In this case prosecutrix is a girl aged about 17 years 8 months. As per the prosecution story, on 02.05.2018, a missing report of the prosecutrix has been lodged by her father namely Santosh Banjare. On the basis of said report, offence under Section 363 of the IPC has been registered. During course of investigation, the prosecutrix has been recovered on 03.05.2018 from the possession of father of the present Applicant namely Mahesh Dhritlahre. Thereafter, statements of the prosecutrix has been recorded and on the basis of her statements other offence were added. The Applicant is in custody since 30.08.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. She further submits that there was a love relationship between the prosecutrix and the present Applicant, prosecutrix left her house on her own will, in her statement recorded under Section 164 of Cr.P.C. she does not support the case of the prosecution. The Applicant is in custody since 30.08.2018, 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 in the statement of prosecutrix recorded under Section 164 of Cr.P.C. she does not support the case of the prosecution. The Applicant is in custody since 30.08.2018, charge-sheet has already filed 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