

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8985 of 2018**

- Arvind Lahre S/o Gangaram Lahre, Aged About 20 Years, R/o Village - Bataupali, Police Station - Kosir, District - Raigarh, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station - Kosir, District - Raigarh, Chhattisgarh.

---- Respondent

For Applicant	: Shri Awadh Tripathi, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. G.A..

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/12/2018

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. 123/2018, registered at Police Station – Kosir, District- Raigarh, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 6 of POCSO Act, 2012.
2. In this case, prosecutrix is a girl aged above 16 years. On 14.06.2018, father of the prosecutrix namely Bisahuram Aditya made a missing report of his daughter. On the basis of the said report, initially offence under Section 363 of IPC has been registered against the Applicant. On 18.07.2018, prosecutrix was recovered from the possession of present Applicant. Statement of the prosecutrix under Sections 161 and 164 of Cr.P.C. has been recorded. Applicant has been taken into custody on 18.07.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

further states that there was a love relationship between the Applicant and the prosecutrix. Prosecutrix herself has left her house on her own will. Statement of the prosecutrix has also been recorded under Section 164 of Cr.P.C. wherein she has not supported the case of the prosecution. Charge-sheet has already been filed. The Applicant is in custody since 18.07.2018 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.
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 18.07.2018 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