

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9208 of 2018

- Narayan Sahu, S/o Shri Punarad Sahu, aged about 19 years, R/o Danipara Ward No.-2, P/s Kurud, Distt. Dhamtari, Civil and Revenue Distt. Dhamtari (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through: Police Station Gudhyari, District Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Ajay Mishra, Advocate.
For Respondent/State	: Shri Adil Minhaj, Panel Lawyer.

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. 223/2018, registered at Police Station Gudhyari District Raipur (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and Section 4 of the POCSO Act.
2. In this case prosecutrix is a girl aged about 17 years 2 months. As per the prosecution story, on 21.07.2018, a missing report of the prosecutrix has been lodged by her mother namely Janki. On the basis of said report, offence under Section 363 of the IPC has been registered. During course of investigation, prosecutrix has been recovered on 01.09.2018 from the possession of the present applicant. Thereafter, statement of the prosecutrix has been recorded, on the basis of her statements other offence were added and the applicant has been arrested on 01.09.2018 itself.
3. Learned counsel appearing on behalf of the applicant submits that the

applicant is innocent and has been falsely implicated in the present case, there was a love relationship between both of them, prosecutrix left her house on her own will. He further submits that in the statement of the prosecutrix recorded under Section 164 of Cr.P.C. she admits all the above mentioned facts. Learned counsel further submits that they have also performed marriage with each other on their own will. The applicant is in custody, since 01.09.2018, charge-sheet has already filed and trial will take some time, therefore, applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, evidence collected by the prosecution and further considering the statement recorded under Section 164 of Cr.P.C., prosecutrix has not stated anything against the applicant, the applicant is in custody since 01-09-2018, charge-sheet has already filed and trial will 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