

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9282 of 2018**

- Deepak Mehar S/o Satiram Mehar, aged about 32 Years R/o Village Khapri, Police Station Pachpedi, Tehsil and District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Sirgitti, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Anil Tawadkar, Advocate.
For Respondent/State	: Shri Adil Minhaj, P.L.

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. 221/2018, registered at Police Station – Sirgitti, District- Bilaspur, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Sections 4 & 6 of POCSO Act, 2012.
2. In this case, prosecutrix is a girl aged about 17 years and 7 months. On 19.06.2018, father of the prosecutrix namely Ram Ratan Jangde 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 27.06.2018, prosecutrix appeared before the police station alongwith the present Applicant. Their statements were recorded. On the basis of the above report, offence has been registered against the Applicant and he has been taken into custody on 28.06.2018.
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. Both prosecutrix and the Applicant have also performed marriage. 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. The Applicant is in custody since 28.06.2018 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 prosecutrix in her statement recorded U/s 164 of Cr.P.C., does not support the case of the prosecution, Applicant is in custody since 28.06.2018 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