

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 87 of 2019**

- Akash Sahu, S/o Rajkumar Sahu, Aged About 27 Years, R/o Village Arjuni, Thana Bhatapara (Gramin) District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicant**Versus**

- State of Chhattisgarh, Through The Police Station House Officer, Thana Suhela (Wrongly Mention In The Impugned Order Thana Bhatapara Gramin) District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicant	:	Shri Deepak Jain, Advocate.
For Respondent/State	:	Shri Santosh Bharat, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey
Order On Board**27/02/2019**

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime no. 112/2018, registered at Police Station Suhela, District – Baloda-Bazar, Bhatapara (C.G.) for the offence punishable under Sections 363, 366(A) and 376 of the IPC and Section 4 of the POCSO Act.
2. On 05.10.2018, First bail application of the applicant was dismissed as withdrawn, with liberty to file afresh after examination of the prosecution witnesses.
3. The prosecution story in brief is that on 08.06.2018, the applicant abducted the prosecutrix from her lawful guardianship when she

was going to attend computer class in Suhela and detained her. During the course of detention, the appellant performed marriage and committed sexual intercourse with her against her consent. Based on this, an offence has been registered against the applicant and he has been arrested on 16.06.2018.

4. Learned counsel appearing on behalf of the Applicant submits that the prosecutrix of her own went along with the applicant. He further submits that the prosecutrix has got married with the applicant, which is proved from the statement of the prosecutrix and witnesses also, and on the date of incident the prosecutrix was major. He also submits that the applicant is in custody since 16.06.2018, charge-sheet has already been filed, trial will likely to take some time, therefore, applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of State opposes the bail application.
6. I have heard learned Counsel for both the parties and perused the record.
7. Considering the facts and circumstances of the case, particularly the statement of the prosecutrix and the other evidence on record, I am inclined to release the applicant on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the applicant shall be released on bail on executing a personal bond for a sum of Rs. 25,000/- with two local sureties for the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when directed.

Sd/-
(Rajani Dubey)
Judge