

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 165 of 2019**

- Mani Kumar Mehta, S/o Vinod Mehta, aged about 21 years, R/o Village Nawadih, P.S.- Ketar, District- Gadhwa, Jharkhand.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, P.S. Karpawand, District- Bastar, Chhattisgarh.

---- Respondent

For Applicant	: Shri Akhtar Hussain, Advocate.
For Respondent/State	: Shri Alok Nigam, G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**05/02/2019**

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. 44/2018, registered at Police Station – Karpawand, District - Bastar, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 6 of POCSO Act, 2012.
2. In this case prosecutrix is a girl aged about 17 years 3 months. On 05.07.2018, a missing report of the prosecutrix has been lodged by her father. On the basis of the said, initially offence under Section 363 of the IPC has been registered. During course of investigation, on 28.09.2018 prosecutrix was recovered from the possession of the present Applicant. Statements of the prosecutrix were recorded, on the basis of the said, other offences have been added. The Applicant has been taken into custody on 30.09.2018.
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, due to which prosecutrix herself has left her house on her own will. Statement of the prosecutrix has been recorded under Section 164 of Cr.P.C. wherein she does not support the case of the prosecution and at the relevant point of time, her age was also about 17 years and 3 months. The Applicant is in custody since 30.09.2018. 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 30.09.2018 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 furnishing a personal bond for a sum of Rs. 1,00,000/- with two local sureties each of Rs. 50,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge