

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 170 of 2019

- Kanhaiya Patel @ Krishna Patel S/o Ramesh Patel Aged About 30 Years R/o Behind Dharsiva Thana District Raipur Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Ganj District Raipur Chhattisgarh.

---- Respondent

For Applicant	: Shri Awadh Tripathi, Advocate.
For Respondent/State	: Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

25/01/2019

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. 292/2018, registered at Police Station Ganj, District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 6 of the POCSO Act, 2012.
2. In this case prosecutrix is a girl aged about 16 years 8 months. On 04.10.2018, father of the prosecutrix lodged a report regarding missing of her daughter/prosecutrix. On the basis of said report, initially offence under Section 363 has been registered. During course of investigation on 12.10.2018, prosecutrix has been recovered from the possession of the present applicant and thereafter her statement was recorded. On the basis of her statement, other offence have been added. The applicant is in custody since 04.10.2018.
3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case, he further submits that there was a love relationship between

the prosecutrix and the applicant, prosecutrix left her house on her own will and they both were performed marriage as well. In the statement of prosecutrix recorded under Section 164 of Cr.P.C. she does not support the case of the prosecution and turned hostile, The applicant is in custody since 04-10-2018 and trial will likely to take some time, therefore, he 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 fact that in the statement of the prosecutrix recorded under Section 164 of Cr.P.C. she does not support the case of the prosecution and turned hostile, The applicant is in custody since 04-10-2018 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. 20,000/- with one local 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