

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 333 of 2019**

- Nilesh Gole @ Chhota S/o Awadhesh Gole, Aged About 25 Years R/o Atal Awas Lingiyadih, Thana Sarkanda, Police Station Civil Line, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

For Applicant : Shri UKS Chandel, Advocate.

For Respondent/State : Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**31/01/2019**

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. 443/2018, registered at Police Station – Sarkanda, District- Bilaspur, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and 4 & 6 of POCSO Act, 2012.
2. As per the prosecution story, at the time of incident, prosecutrix age was about 17 years old. On 19.06.2018, mother of the prosecutrix made a missing report of her daughter. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, prosecutrix was recovered on 03.12.2018 from the possession of the Applicant. Statements of the prosecutrix were recorded thereafter other offences has been added. The Applicant has been taken into custody on 14.12.2018.
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 left her house on her own will. They both have performed marriage also and at present, prosecutrix is residing with the parents of the Applicant. Statement of the prosecutrix has been recorded under Section 164 of Cr.P.C. wherein she does not support the case of the prosecution. The Applicant is in custody since 14.12.2018. 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 with due care.
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 14.12.2018 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge