

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 145 of 2019

- Suraj Sahu S/o Late Dilip Sahu Aged About 27 Years R/o Purani Basti Kohka Near Minimata Bhawan, Police Station Supela Bhilai Tehsil And District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through District Magistrate, District Durg Chhattisgarh.

---- Respondent

For Applicant : Shri SK Agrawal, Advocate.
For Respondent/State : Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

23/01/2019

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. 531/2017, registered at Police Station Supela, District Durg (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 5 (a) & 6 of the POCSO Act.
2. In this case prosecutrix is a girl aged about 17 years. On 27.06.2017 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 16.08.2017 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 16.08.2017.
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 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 16-08-2017 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 16-08-2017 and trial will likely to take some time, without further commenting on merit 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