

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 171 of 2019**

- Paras Ram Bandhe S/o Shivkumar Bandhe Aged About 19 Years R/o Village Bardih (Hirmi), Thana Suhela, District Baloda Bazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Suhela, District Baloda Bazar Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Samir Singh, Advocate.
For Respondent/State	: Shri Sumit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**28/02/2019**

1. The Applicant has preferred the third bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 33/2018, registered at Police Station – Suhela, District- Baloda-Bazaar, (C.G.) for the offence punishable under Sections 363, 366A, 376 of IPC and 4, 6 & 17 of POCSO Act, 2012.
2. First bail application was earlier dismissed for want of prosecution vide order dated 06.08.2018 passed in MCRC No. 4017 of 2018 whereas the second bail application was also dismissed as withdrawn with liberty to file afresh application after examination of the prosecutrix before the Trial Court vide order dated 01.11.2018 passed in MCRC No. 7782 of 2018.
3. In this case, prosecutrix is a girl aged about 17 years and 8 months.

On 29.01.2018, a missing report of the prosecutrix has been lodged by mother of the prosecutrix namely Heera Bai. On the basis of the said, initially offence under Section 363 of the IPC has been registered. On 21.02.2018, prosecutrix was recovered from the possession of present Applicant. Her statements were recorded thereafter other offences have been added. On the basis of the said, offence has been registered against the present Applicant and he has been taken into custody on 22.02.2018.

4. 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 love relationship between the Applicant and the prosecutrix, due to which prosecutrix herself has left her house on her own will. He further submits that there is no cogent evidence with regard to age of the prosecutrix. He also submits that prosecutrix has already been examined before the Trial Court. From the statement of the prosecutrix, it seems that she was a consenting party. Applicant has been taken into custody on 22.02.2018 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary.
7. 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 22.02.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

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. 20,000/- with one 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