

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 640 of 2019

- Vishnu Gond, S/o Shri Kishor Gond Aged about 20 years R/o Butapara do Muhani PS Torwa District Bilaspur (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through Police Station- Masturi, District Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Dheerendra Pandey, Advocate.
For Respondent/State : Mr. Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/02/2019

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. 429/2018, registered at Police Station – Masturi, District- Bilaspur (C.G.) for the offence punishable under Section 363, 366 & 376 of the IPC and Section 5 & 4 of the POCSO Act, 2012.
2. In this case prosecutrix is a girl aged about 16 years. On 20.09.2018 father of the prosecutrix lodged a report regarding missing of her daughter since 16.09.2018, on the basis of said report, initially offence Under Section 363 has been registered. During course of investigation, prosecutrix has been recovered from the possession of the present applicant, thereafter, her statement was recorded. On the basis of statement of the prosecutrix other offence have been added. The applicant is in custody since 25.11.2018.
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 submits that there was a love relationship between the prosecutrix and the present applicant due to that prosecutrix left her house on her own will, in her statement recorded under Section 164 of Cr.P.C. she does not support the case of the prosecution. The applicant is in custody since 25.11.2018, charge-sheet has already filed and trial will take some time. 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 in the statement of prosecutrix recorded under Section 164 of Cr.P.C. she does not support the case of the prosecution. The applicant is in custody since 25.11.2018, charge-sheet has already filed and trial is 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 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