

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 573 of 2019

- Shivnandan Singh Rajput S/o Baliram Rajput Aged About 30 Years
R/o Ward No. 6, Gram Shivepur Post Silee, P. S. Pali, District Korba
Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Lormi, District Mungeli Chhattisgarh

---- Respondent

For Applicant	: Mr. Rohit Sharma, Advocate.
For Respondent/State	: Mr. Amit Singh, PL.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

08/02/2019

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. 461/2018, registered at Police Station Lormi, District Mungeli (C.G.) for the offence punishable under Section 417, 363, 366, 376, 367(2) of the IPC and Section 4, 6, 5 (ठ) & 17 of the POCSO Act.
2. In this case prosecutrix is a girl aged about 17 years, on 26.10.2018, father of the prosecutrix lodged a report regarding missing of her daughter. On the basis of said report initially offence under Section 363 has been registered. During course of investigation on 25.12.2018 prosecutrix has been recovered from the possession of the co-accused Vikram thereafter her statement was recorded on the basis of her statement other offence have been added. Allegation against the present applicant is that the applicant is the maternal uncle of the co-accused Vikram and after the incident he took the prosecutrix in his house. The applicant is in custody since 25.12.2018.

3. Learned counsel appearing on behalf of the applicant submits that applicant is innocent and has been falsely implicated in the present case. He further submits that there is nothing on record on the basis of which any offence can be made out against the present applicant. In the statement of the prosecutrix recorded under Section 164 of CRPC she does not state anything against the present applicant. The applicant is in custody since 25.12.2018, 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 State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that in the statement of the prosecutrix recorded under Section 164 of CRPC she does not state anything against the present applicant. The applicant is in custody since 25.12.2018, charge-sheet has already filed 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 sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

**Sd/-
(Arvind Singh Chandel)**

Judge