

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 774 of 2019

- Yogendra Singh Chouhan S/o Late Netrapal Singh Chouhan Aged About 40 Years R/o Naglindra, P. S. Gheror, District Mainpuri U. P. At Present R/o Mega Trade Fair, Mina Bazar Camp, Polytechnic College, Pandonagar, Sohagpur, District Shahdol M. P.

---- Applicant

Versus

- State Of Chhattosgarh Through The Station House Officer, Police Station Charcha, Civil And Revenue District Korea Chhattisgarh

---- Respondent

For Applicant : Mr. Kaushal Yadav, Advocate.
For Respondent/State : Mr. Sumit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/02/2019

1. The applicant has preferred this third bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 133/2018, registered at Police Station—Charcha, District- Korea (C.G.) for the offence punishable under Section 363, 366 & 34 of the IPC and Section 11 & 12 of the POCSO Act.
2. First bail was dismissed as withdrawn with liberty to file a fresh after a month vide order dated 05.12.2018, passed in MCRC No. 8977/2018.
3. Second bail was dismissed for want of prosecution vide order dated 16.01.2019, passed in MCRC No. 433/2019.

4. In this case prosecutrix is a girl aged about 16 years. As per prosecution story, on 28.09.2018, father of the prosecutrix namely Dhaniram lodged a missing report regarding missing of her daughter. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, on 03.10.2018, 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. Allegedly, co-accused Abhishek @ Golu son of the present applicant, on the pretext of marriage, abducted the prosecutrix. Allegation against the present applicant is that he assisted the co-accused in the said crime. The applicant is in custody since 04.10.2018.
5. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. Allegation against the present applicant is only that he assisted the co-accused in the said crime. He further submits that the other co-accused namely Abhishek @ Golu has already granted benefit of bail by the Trial Court itself. The applicant is in custody since 04.10.2018, charge-sheet has already filed and trial will take some time. Therefore, he may be released on bail.
6. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
7. I have heard learned Counsel for the parties and perused the case diary with due care.
8. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the other co-accused namely Abhishek @ Golu has already granted benefit of bail by the Trial Court itself. The applicant is in custody since 04.10.2018, 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.

9. Accordingly, the bail application is allowed.

10. 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