

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 794 of 2019**

- Vinayak Janghel S/o Shri Parsuram Janghel Aged About 21 Years R/o Birutola, Thana /Tahsil Chhuikhadan, District Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

- The State Of Chhattisgarh Through Police Station Gudhiyari, District Raipur Chhattisgarh.

---- Respondent

For Applicant : Shri Samir Singh, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**13/03/2019**

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. 04/2019, registered at Police Station – Gudiyari, District- Raipur, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4 of POCSO Act, 2012.
2. In this case, prosecutrix is a girl aged about 16 years and 6 months. As per the prosecution story, on 04.01.2019, mother of the prosecutrix lodged a missing report of her daughter. On the basis of the said, initially offence under Section 363 of the IPC has been registered. On 05.01.2019, prosecutrix was recovered from the possession of the present Applicant. Statement of the prosecutrix under Section 161 of the Cr.P.C. has been recorded and on the basis of the said, other offences have been added. The Applicant has been taken into custody on 06.01.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute. He further states that as per the Aadhar Card of the

prosecutrix, which is annexed in the record, her date of birth is 01.01.2001. Therefore, at the date of incident, age of the prosecutrix is more than 18 years. He also submits that both, the Applicant and the prosecutrix have performed marriage on 03.01.2019. Charge-sheet has been filed, Applicant is in custody since 06.01.2019 and trial is likely to 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.
6. 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 06.01.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge