

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 830 of 2019**

Manoj Mushar (Banwasi) S/o Shri Shiv Kumar, aged about 20 years R/o Village Gandhoi, Police Station Rani Sarha, Civil & Revenue District Aajamgarh (U.P.)

--- Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Pachpedi, Civil & Revenue District Bilaspur (C.G.)

---- Respondent

For Applicant	:	Mr. Paras Mani Shriwas, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

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 the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 72/2018 registered at Police Station Pachpedi, Bilaspur (C.G.) for the offence punishable under Section 363, 376, 34 of the IPC and Section 3 & 4 of the POCSO.
2. In this case, the Prosecutrix is a girl aged about 16 years 10 months. As per prosecution story, on 25/06/2018 father of the Prosecutrix namely Maikuram Kenwathas lodged a report alleging therein that he sent his daughter along with Rohit Kenwat for village Darrighat, but she did not reach there. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, the Prosecutrix recovered from the possession of the Applicant on 30/06/2018. Statement of prosecutrix was recorded and

thereafter other offences have been added. The Applicant has been arrested on 05/07/2018.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case due to previous enmity. He further submits that in her Court statement recorded under Section 164 Cr.P.C., the Prosecutrix did not state anything against the Applicant. The Applicant is in custody since 05/07/2018, charge-sheet has been filed and the trial will take time, therefore, the Applicant may be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Prosecutrix in her statement under Section 164 Cr.P.C has not stated anything against the Applicant, the Applicant is in custody since 05/07/2018, charge-sheet has been filed and trial will likely to take some time, without further commenting on merit 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 his executing a personal bond for a sum of Rs. 20,000/- with one 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