

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 861 of 2019**

Ugeshwar S/o Bhaklu Dhritlahre, aged about 21 years, R/o Village Bijradih, Police Station Palari, District Balodabazar, at present near Chhoti Railway Crossing, Telibandha, Raipur, District Raipur (C.G.)

--- Applicant**Versus**

State of Chhattisgarh Through Station House Officer, Police Station Telibandha, Raipur, District Raipur (C.G.)

---- Respondent

For Applicant	:	Mr. Aditya Khare, Advocate
For Respondent	:	Mr. Amit Singh, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**26/02/2019**

1. The Applicant has preferred this Second Bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 353/2016 registered at Police Station Telibandha, Raipur, District Raipur (C.G.) for the offence punishable under Sections 363, 366 & 376 (2) (ब) of the IPC and Section 6 of the POCSO Act, 2012.
2. First Bail application of the Applicant was withdrawn with liberty to file afresh after examination of the Prosecutrix before the trial Court vide order dated 13/09/2018 passed in MCRC No. 5987/2018.
3. In this case, the Prosecutrix is a girl aged about 15 years. As per prosecution story, the allegations against the Applicant is that he, on the pretext of marriage, abducted the Prosecutrix and committed

sexual intercourse with her during this period. Initially, a missing report of the Prosecutrix was lodged by her father and offence under Section 363 IPC was registered. After recovery of the Prosecutrix, her statement was recorded. Thereafter, other offences have been added. The Applicant has been arrested on 04/02/2018.

4. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that the age of the Prosecutrix was about 18 years at the time of incident. There was love relation between the Applicant and the Prosecutrix, and due to that the Prosecutrix left her house on her own will. He further submits that parents of the Prosecutrix have already been examined before the Trial Court and from their statement it is established that on the date of incident, the age of the Prosecutrix was 18 years. Moreover, from the statement of the Prosecutrix, it is clear that she was the consenting party. He further submits that the Applicant is in jail since 04/02/2018 and trial will take time, therefore, he may be released on bail.
5. Counsel appearing on behalf of the State also opposes the bail application.
6. I have heard learned counsel for both the parties.
7. Considering the entire facts and circumstances of the case, particularly the evidence adduced by the prosecution and that the Applicant is in custody since 04/02/2018 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.

8. Accordingly, the bail application is allowed.
9. 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

Rahul