

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1007 of 2019**

- Raju Yadav S/o Dhaneshwar Yadav Aged About 23 Years R/o Village Telikot, P. S. and Tahsil and Chowki Kharsiya, District Raigarh Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Kharsiya, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate.
For Respondent/State : Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**26/03/2019**

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. 197/2018, registered at Police Station Kharsiya, District – Raigarh, Chhattisgarh, for the offence punishable under Sections 363, 366, 376, 109, 120 B of IPC, Section 4 & 6 of POCSO and Section 3(1)B(1), 3(2)(v) of SC/ST (Prevention of Atrocities) Act.
2. As per the prosecution story, at the relevant time age of the prosecutrix was about seventeen years. On 08.04.2018, father of the prosecutrix namely Madhav Lal lodged a missing report of her daughter. On the basis of the said, initially offence under Section 363 of IPC has been registered. During course of investigation, after recovery, statement of the prosecutrix was recorded and on the basis of the said, other offences have been added. Allegedly, Applicant on the pretext of marriage, abducted the prosecutrix and committed sexual intercourse with her. He has been taken into custody on 24.01.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that there was a love relationship between the prosecutrix and the Applicant due to which prosecutrix herself left her house on her own will. It is further submitted that, both prosecutrix and Applicant have performed marriage and at present prosecutrix is residing with the parents of Applicant. Applicant is in custody since 24.01.2019 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 Applicant is in custody since 24.01.2019 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