

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1015 of 2019

- Raju Yadav S/o Dhaneshwar Yadav, aged about 23 Years R/o Village Telikot, Police Station and Tahsil and Chowki Kharsiya District Raigarh, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through S.H.O., Police Station Kharsiya District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Shri Awadh Tripathi, Advocate.
For Respondent/State : Shri V.K. Agrawal, 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. 317/2018, registered at Police Station Kharsiya, District – Raigarh, Chhattisgarh, for the offence punishable under Sections 363, 366, 376 of IPC, Section 4 & 6 of POCSO and Section 3(1)B(1), 3(2)(v) of SC/ST (Prevention of Atrocities) Act.
2. In this case prosecutrix is a girl aged about seventeen years and one month and belongs to Scheduled Caste. On 29.05.2018, a report has been lodged by father of the prosecutrix namely Madhav Lal wherein it has been alleged that earlier on 27.04.2018 present Applicant abducted her minor daughter on which a report was also lodged earlier by him. Thereafter, prosecutrix again started living with her guardian. Allegedly, on 28.05.2018 present Applicant abducted the prosecutrix. On the basis of the said, initially offence under Section 363 of the IPC has been registered. After recovery of the prosecutrix,

her statement was recorded under Section 161 of Cr.P.C. and on the basis of her statement, other offences were added. The Applicant 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 has 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. He also states that, at the relevant time age of the prosecutrix is more than 18 years. 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