

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 991 of 2019

- Kishore Das Manikpuri S/o Madhudas Manikpuri Aged About 24 Years
R/o Trimurti Nagar, Manjhi Para, Police Station Devendra Nagar,
Raipur District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police
Station Civil Lines, Raipur District Raipur Chhattisgarh

---- Respondent

For Applicant : Mr. Pradeep Singh Rathore, Advocate.
For Respondent/State : Mr. Sumit 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 Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 600/2018, registered at Police Station –Civil Lines, District Raipur- (C.G.) for the offence punishable under Section 363, 366 (A) & 376 of the IPC and Section 4 of the POCSO Act, 2012.
2. First bail was dismissed for want of prosecution vide order dated 31.01.2019 passed in MCRC No. 187/2019.
3. In this case prosecutrix is a girl aged about 17 years 11 months. On 14.09.2018, mother of the prosecutrix lodged a missing report of her daughter/prosecutrix in a police station, wherein, it has been stated that her daughter/prosecutrix missing since 12.09.2018. On the basis of said report, initially offence under Section 363 of the IPC has been registered against unknown person. During course of investigation, prosecutrix has been recovered from the possession of the present applicant on 20.09.2018, thereafter her statement was recorded, on

the basis of her statement other offence have been added. The applicant is in custody since 22.09.2018.

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 there was a love relationship between the prosecutrix and the applicant, prosecutrix left her house on her own will and she herself visited various places with the applicant. The applicant is in custody since 22.09.2018, charge-sheet has already filed and trial will take some time, therefore, the applicant may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the applicant is in custody since 22.09.2018, charge-sheet has already filed and trial will likely to take some time, without further commenting on merits 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 executing a personal bond for a sum of Rs. 20,000/- with one solvent 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