

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1002 of 2019

- Yogendra Singh @ Yugal Singh @ Lalli, S/o Pritam Singh Thakur, aged about 23 years, R/o Sikola Basti Karmchari Nagar Durg, Police Station Mohan Nagar Durg, District- Durg, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through- Police of Police Station – Khairagarh, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri C.K. Kesharwani, Advocate.
For Respondent/State	: Smt. Smita Ghai, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

10/05/2019

1. Pursuant to order dated 29/04/2019, Informant i.e. father of the prosecutrix namely Pritam Singh Thakur is present before this Court.
On being asked regarding grant bail to the Applicant, on this, Pritam Singh Thakur has raised objection.
2. 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. 256/2018, registered at Police Station – Khairagarh, District- Rajnandgaon, (C.G.) for the offence punishable under Sections 363, 366 & 376 of Indian Penal Code & u/s 6, 8 of POCSO Act.
3. In this case age of the prosecutrix at the relevant time was about 16 years and 11 months. On 15.09.2018, father of the prosecutrix namely Pritam Singh Thakur lodged a missing report of her daughter

(prosecutrix). On the basis of the said, initially offence under Section 363, 366 of the IPC have been registered. Later on, prosecutrix was recovered from the possession of the present Applicant. Thereafter, statement of the prosecutrix was recorded. On the basis of her statement, other offences have been added. Applicant has been taken into custody on 05.10.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further states that there was a love relationship between the Applicant and the prosecutrix due to which prosecutrix herself left her house on her own will. He further submits that prosecutrix herself was a consenting party and at the relevant time, age of the prosecutrix was more than 16 years. At present both Applicant and prosecutrix have performed marriage. He also states that prosecutrix in her statement recorded under 164 of Cr.P.C., has not supported the case of the prosecution. Applicant is in custody since 05.10.2018 and trial is likely to take some time. Therefore, he 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 the parties and perused the case diary.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that prosecutrix in her statement recorded under 164 of Cr.P.C., has not supported the case of the prosecution, Applicant is in custody since

05.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge