

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1025 of 2019

- Rajesh Lahre S/o Late Shyamlal Lahre Aged About 22 Years R/o Parsadih, Police Station Bilaigarh, District Balodabazar-Bhatapara Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Vidhan Sabha Raipur District Raipur Chhattisgarh

---- Respondent

For Applicant	: Mr. Abdul Wahab Khan, Advocate.
For Respondent/State	: Mr. DP Singh, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

27/02/2019

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. 294/2017, registered at Police Station – Vidhansabha, District- Raipur (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Section 3 & 4 of the POCSO Act.
2. In this case, at the time of incident prosecutrix was aged about 16 years 9 months. On 28.10.2017, father of the prosecutrix namely Rajendra lodged a missing report of the prosecutrix in police station. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, the prosecutrix has been recovered from the house of brother of the applicant at village Banhil, thereafter, her statement was recorded. On the basis of her statement other offence have been added. The applicant is in custody since 12.01.2019.

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 presently the age of the prosecutrix is above 18 years, the prosecutrix and the applicant performed marriage with each other and also they are living together as a husband wife. In the statement of the prosecutrix recorded under Section 164 of Cr.P.C., she does not support the case of the prosecution and turned hostile. The applicant is in custody since 12.01.2019 and trial will 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that in the statement of the prosecutrix recorded under Section 164 of Cr.P.C., she does not support the case of the prosecution and turned hostile. The applicant is in custody since 12.01.2019 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.
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 Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge