

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 1320 of 2019**

- Sukhraj Singh Netam, S/o Shri Nirmal Singh Netam, Aged About 21 Years R/o Village - Amlibahra, Panchayat Kumhari Darri Post Pipariya, P.S. Pasan, Korba, District Korba, Chhattisgarh.

**---- Applicant****Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station Manendragarh, District Koriya, Chhattisgarh.

**---- Respondent**

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| For Applicant        | : Shri D. Kushwaha, Advocate. |
| For Respondent/State | : Shri Amit Singh, P.L.       |

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**Hon'ble Shri Justice Arvind Singh Chandel**  
**Order On Board****12/03/2019**

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. 417/2017, registered at Police Station – Manendragarh, District - Koriya, (C.G.) for the offence punishable under Sections 363, 366, 376(2) of IPC and Sections 4, 6 & 10 of POCSO Act.
2. In this case prosecutrix is a girl aged about 13 years. As per prosecution story, on 30.11.2017, father of the prosecutrix namely Ashok Singh made a missing report of her daughter. On the basis of the said, initially offence under Section 363 of the IPC has been registered. During course of investigation, on 12.01.2018 prosecutrix was recovered from the possession of the present Applicant. Thereafter, statements of the prosecutrix has been recorded and on the basis of her statements, other offences have been added. The Applicant has been taken into custody on 13.01.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He

also submits that there was a love relationship between the Applicant and the prosecutrix due to which prosecutrix herself has left her house on her own will. He also states that prosecutrix has already been examined before the Trial Court and has not supported the case of the prosecution and turned hostile. The Applicant has been taken into custody on 13.01.2018 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 and submits that though prosecutrix has stated in her Court statement that Applicant has not caused any illicit act against her but she has categorically stated that the Applicant on pretext of marriage, took her and kept her for about one and a half months with him. Therefore, the bail application of the Applicant may be rejected.
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 age of the prosecutrix i.e. 13 years at that relevant time, the Applicant on the pretext of marriage took the prosecutrix with him, without further commenting on merits of the case, I am not inclined to release him on bail.
7. Accordingly, the bail application is rejected.

Sd/-  
**(Arvind Singh Chandel)**  
Judge