

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 1530 of 2019

- Chandrika Gond @ Guddu S/o Karam Singh Aged About 23 Years
R/o Jhojhwa, Post Ghaghara, Police Station Babhani, District
Sonbhadra (U.P.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station
Trikunda District Balrampur - Ramanujganj Chhattisgarh.

---- Respondent

For Applicant	: Mr. Dashrath Kushwaha, Advocate.
For Respondent/State	: Mrs. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/03/2019

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. 23/2018, registered at Police Station Trikunda, District Balrampur-Ramanujganj (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (N) of the IPC and Section 6 of the POCSO Act, 2012.
2. In this case, at the relevant time age of the prosecutrix is about 14 years. As per prosecution story, on 16.05.2018, father of the prosecutrix lodged a missing report of his daughter/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, prosecutrix has been recovered from the possession of the applicant from Jaipur, Rajasthan, thereafter her statement was recorded. On the basis of her statement, other offence have been added. The applicant is in custody since 19.06.2018.
3. Learned counsel appearing on behalf of the applicant submits that the

applicants is innocent and has been falsely implicated in the present case due to some previous dispute with father of the prosecutrix. He further submits that prosecutrix and her father have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody since 19.06.2018 and trial is likely to take some time. Therefore, the applicant may be released on bail.

4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the prosecutrix and her father have already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile, the applicant is in custody since 19-06-2018 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 applicants shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge