

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1611 of 2019**

- Jageshwar Shastri, S/o Rekhilal Shastri, aged about 22 years, R/o Village Rapajhori, Tahsil & Police Station – Patharia, District- Mungeli (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through- S.H.O., Police Station City Kotwali, Dhamtari, District Dhamtari, Chhattisgarh.

---- Respondent

For Applicant	: Shri Guru Prasad Kurre, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

19/03/2019

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. 362/2018, registered at Police Station – City Kotwali, Dhamtari, District- Dhamtari, (C.G.) for the offence punishable under Sections 363, 366, 376, 342, 506 of IPC and Section 4 & 6 of POCSO Act.
2. As per the prosecution story, at the relevant time, age of the prosecutrix was about 17 years and 11 months. On 03.08.2018, Soniya Sahu who is Maternal Aunt of the prosecutrix, lodged a missing report of the prosecutrix. On the basis of the said, initially offence under Section 363 of the IPC has been registered. During course of investigation on 19.01.2019, prosecutrix was recovered from the possession of the present Applicant. Statement of the prosecutrix was recorded and on the basis of her statement other offences have been added. Applicant has been taken into custody since 22.01.2019.
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 states 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 further submits that both Applicant and prosecutrix have performed marriage and at present prosecutrix is residing in the house of Applicant. Prosecutrix in her statement recorded under Section 164 of the Cr.P.C., has also not supported the case of the prosecution. Applicant is in custody since 22.01.2019 and trial will take 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.
6. 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 Section 164 of the Cr.P.C. has not supported the case of the prosecution, Applicant is in custody since 22.01.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge