

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 1918 of 2019**

Chandravijay Rathore S/o Late Brijraj Rathore, aged about 28 years
R/o Village Sapiya P. S. Dabhra, Police Station Out Post Faguram
District Janjgir Champa Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police
Station Dabhra, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate
For Respondent/State : Mr. Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

15/05/2019

1. Prosecutrix of the case is present today, she has been identified by the Counsel for the Applicant Mr. Ishwar Jaiswal. On being asked, she has no objection on granting bail to the Applicant.
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. 93/2017, registered at Police Station– Dabhra, Civil & Revenue District- Janjgir-Champa (C.G.) for the offence punishable under Sections 363, 366, 354, 376 of I.P.C. & Sections 4, 6 of POCSO Act, 2012.
3. As per prosecution story, the age of the prosecutrix was about 16 years at that relevant time. On 20.03.2017 prosecutrix lodged a report wherein, it has been alleged that on 25.01.2017 present Applicant took prosecutrix, who is minor, from the legal guardianship of her parents and outrage her modesty. Thereafter, she made a complaint and on that basis, offence u/s 363, 366, 354 of IPC have been registered.

Further story of the prosecution is that prosecutrix herself left parental house with Applicant and returned on 06.12.2018, by that time she was blessed with a child. Her statements have been recorded thereafter, other offences have been added. The applicant has been taken into custody on 17.12.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He further submits that there was a love relationship between applicant and prosecutrix, due to that prosecutrix herself left her house with her own will. She is blessed with one child and presently she is pregnant. The Applicant is in custody since 17.12.2018 and trial is likely to take some time, therefore, Applicant 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 with due care.
7. Considering the facts and circumstances of the case, particularly considering that applicant is in custody since 17.12.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release the Applicant 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