

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2028 of 2019**

- Lokendra Das, S/o Jeevan Das, aged about 18 years, R/o Village Khutakunda, Tahsil and Police Station Kartala, District- Korba (.C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station- Kartala, District- Korba, (.C.G.).

---- Respondent

For Applicant	: Shri Vikas Pandey, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**13/05/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 52/2018, registered at Police Station – Kartala, District - Korba, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and Section 4, 6 of POCSO Act.
2. First bail application of the Applicant has been dismissed as withdrawn with liberty to file afresh after examination of the prosecution before the Trial Court vide order dated 16.11.2018 passed in MCRC No. 8369/2018.
3. In this case, age of the prosecutrix at the relevant time was about 16 years and 10 months. As per the prosecution story, on 10.08.2018, father of the prosecutrix, Ashok Kumar lodged a written report regarding missing of her daughter. On the basis of the said, initially offence under Section 363 of the IPC has been registered. During course of investigation, prosecutrix was

recovered and her statement was recorded and on the basis of her statement, other offences have been added. Applicant has been taken into custody on 27.08.2018.

4. 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 there was a love relationship between the Applicant and the prosecutrix and due to that prosecutrix herself had left her house on her own will and thereafter they traveled and stayed at various places. He also states that prosecutrix has already been examined before the Trial Court and from her statement, it reflects that she was consenting party. There is also no such evidence available regarding age of the prosecutrix. Applicant is in custody since 27.08.2018 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.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the statement of the prosecutrix given before the Trial Court, Applicant is in custody since 27.08.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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