

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2254 of 2019**

Manmohan @ Monu Marawi, aged 21 years S/o Shivnarayan Marawi, R/o Mouhapani P.S.- Lormi, Distt.- Mungeli (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through SHO of P.S. Lormi, District Mungeli (C.G.).

---- Respondent

For Applicant	:	Mr. Pallav Mishra, Advocate
For Respondent	:	Ms. Smita Ghai, PL

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 the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 298/2018 registered at Police Station Lormi, Mungeli (C.G.) for the offence punishable under Sections 363, 366, 417 & 376/34 and 313 of the IPC and Sections 4 & 6 of the POCSO Act.
2. First bail application of the Applicant was dismissed as withdrawn with liberty to file afresh after examination of the Prosecutrix before the trial Court vide order dated 30/11/2018 passed in MCRC No. 7718/2018.
3. In this case, the age of the Prosecutrix is about 18 years. As per prosecution story, on 29/07/2018 the Prosecutrix made a written complaint before the police station alleging therein that the Applicant, on the pretext of marriage, had developed love relation with her and due to this reason she left her house. It was further alleged that the Applicant, by saying that he will keep her as his wife, had developed physical relation with her.

Thereafter, he continuously made physical relationship with her and keep her with him for about 5-6 months in different houses at different places. After some time, he left the Prosecutrix in the house of co-accused Pawan and in a stamp paper a divorce deed was executed. She, thereafter, called her father and made a report. On the basis of above report, offence has been registered and the Applicant has been taken into custody on 29/07/2018.

4. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated due to dispute with the Prosecutrix. He further submits that virtually there was love relation between both of them as a result of which the Prosecutrix herself left her house and resided at various places with the Applicant. Both have also performed marriage. He further submits that the Prosecutrix has already been examined before the trial Court and in her Court statement, she has admitted the above fact and categorically stated that due to ideological differences between them, she lodged the said report. He prays that the Applicant is in custody since 29/07/2018 and trial will take time, therefore, the Applicant may be released on bail.
5. Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned counsel for the parties.
7. Considering the entire facts and circumstances of the case, particularly the evidence collected by the prosecution and that the Applicant is in custody since 29/07/2018 and trial will likely to take time, 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 surety for the like amount to the satisfaction of the trial Court. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
(Arvind Singh Chandel)
Judge

Rahul