

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2600 of 2019

Vikram Singh Thakur S/o Shankar Singh Thakur Aged About 19 Years
R/o Lodhipara Lormi, Police Station Lormi, District- Mungeli,
Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Lormi, District- Mungeli,
Chhattisgarh.

---- Respondent

For Applicant : Shri Utkal Pradhan, Advocate.
For Respondent/State : Shri Amit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

30/04/2019

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. 461/2018, registered at Police Station – Lormi, District- Mungeli (C.G.) for the offence punishable under Sections 417, 363, 366, 376, 367 (2) (ढ) of IPC and Section 4, 5 (ढ), 7, 6 of POCSO Act, 2012.
2. In this case, the age of the prosecutrix at the relevant time is about 17 years. As per the prosecution story, on 26.10.2018, a missing report of prosecutrix was lodged by her father namely Mahesh Soni. On the basis of said report initially offence u/s 363 of the IPC and Section 4 of the POCSO Act have been registered against the Applicant. During course of investigation, prosecutrix was recovered from the possession of the Applicant. Thereafter, her statement was recorded, on the basis of her statement, other offence have been added. The Applicant is in custody since 24.11.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. Virtually the prosecutrix is a major lady, the applicant and the prosecutrix have developed love relationship, due to that the prosecutrix has left her house on her own will, they both have performed marriage also and reside together as a husband wife. In the statement of the prosecutrix recorded under Section 164 of Cr.P.C. prosecutrix, she has not supported the case of the prosecution and admitted the above facts. The Applicant is in custody since 24.11.2018, charge-sheet has already been filed 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 the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary with due care.
6. Considering the facts and circumstances of the case, particularly considering the fact that in the statement of the prosecutrix she has not supported the case of the prosecution. The Applicant is in custody since 24.11.2018, charge-sheet has already been filed 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.
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 Trial Court for his appearance before the said Court as and when directed.

Sd/-

(Arvind Singh Chandel)
Judge