

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2297 of 2019**

- Tulshi Rajak S/o Motilal Rajak Aged About 20 Years R/o Village Navkesha, Chowki - Devkar, Police Station Saja, District – Bemetara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through Station House Officer, Police Station Parpodi, District – Bemetara, Chhattisgarh.

---- Respondent

For Applicant : Shri Sanjeev Kumar Sahu, Advocate.
For Respondent/State : Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**29/04/2019**

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. 21/2019, registered at Police Station – Parpodi, District- Bemetara, (C.G.) for the offence punishable under Sections 363, 366 (A), 376 of I.P.C. and u/s 5 (L), 6 of the POCSO Act, 2012.
2. In this case, age of the prosecutrix at the relevant time was about 17 years and 2 months. On 07.02.2019 father of the prosecutrix lodged a missing report of her daughter wherein it has been stated that her daughter is missing since 03.01.2019. On the basis of the said, initially offence u/s 363 of the IPC has been registered. During investigation, prosecutrix was recovered thereafter, her statements were recorded. On the basis of her statements other offences have been added. Applicant has been taken into custody on 21.02.2019.
3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the present case. He also states 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. Both Applicant and prosecutrix have performed marriage. Prosecutrix in her statement recorded under Section 164 of Cr.P.C., has not supported the case of the prosecution. Charge-sheet has been filed, Applicant has been taken into custody on 21.02.2019 and trial is likely to take some 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 with due care.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that charge-sheet has been filed, Applicant is in custody since 21.02.2019 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