

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 2861 of 2019

- Sonu Rajak S/o Bharat Rajak Aged About 25 Years R/o Ward No. 05, Devkar, Chowki- Devkar, Police Station- Saja, District- Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Saja, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjeev Kumar Sahu, Advocate.
For Respondent/State	: Smt. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

07/05/2019

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. 393/2018, registered at Police Station Saja District Bemetara (C.G.) for the offence punishable under Section 363, 366 & 376 of IPC and Section 5(L) of the POCSO Act 2012.
2. In this case, prosecutrix is a girl aged about 17 years 6 months. On 21.12.2018, father of the prosecutrix namely Hasam Ali lodged a missing report of her daughter/prosecutrix in police station. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, prosecutrix has been recovered and her statement was recorded. On the basis of her statement, other offence have been added. The applicant is in custody since 22.02.2019.
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 further submits that virtually there was a love relationship between the applicant and the prosecutrix, due to that the prosecutrix left her house on her own will, both were performed marriage as well and resided together as a husband wife at various places. In the statement of the prosecutrix recorded under Section 164 of Cr.P.C., she does not support the case of the prosecution and turned hostile. The applicant is in custody since 22.02.2019, 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 State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the fact and circumstances of the case, particularly, evidence collected by the prosecution and further considering the fact that in the statement of the prosecutrix recorded under Section 164 of Cr.P.C., she does not support the case of the prosecution and turned hostile. The applicant is in custody since 22.02.2019, 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 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