

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2884 of 2019**

- Sanjay Rajak, S/o Pardesi Rajak, aged about 19 years, R/o Ganesh Nagar, Nayapara Ward, Bilaspur, P.S. Sirgitti, District - Bilaspur, (C.G.).

---- Applicant**Versus**

- State of Chhattisgarh Through- P.S. Bhatapara Gramin, District- Baloda Bazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicant : Shri Amit Kumar, Advocate.

For Respondent/State : Shri Alok Nigam, Government Advocate.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

17/06/2019

1. Pursuant to order dated 07/05/2019, Prosecutrix and Informant i.e. father of the Prosecutrix namely Shiv Kumar Yadav, is present before this Court. Their presence is marked. On being asked regarding grant of bail to the Applicant, on this, Prosecutrix and informant have no objection.
2. 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. 03/2019, registered at Police Station – Bhatapara Gramin, District- Baloda Bazar - Bhatapara, (C.G.) for the offence punishable under Sections 363, 366(A), 376 of IPC and 4 & 6 of POCSO Act, 2012.
3. In this case, age of the prosecutrix at the relevant time was 15 years

and 8 months. On 28.12.2018, Raju Yadav, brother of the prosecutrix lodged a missing report of her sister i.e. prosecutrix. On the basis of the said, initially offence under Section 363 of the IPC has been registered. During course of investigation, prosecutrix was recovered on 31.03.2019 from the possession of the present Applicant. Statements of the prosecutrix were recorded and on the basis of the said, other offences have been added. Applicant has been taken into custody on 31.03.2019.

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 states that there was a love relationship between the Applicant and the prosecutrix, due to which prosecutrix herself had left the house on her own will. Statement of the prosecutrix has been recorded under Section 164 of Cr.P.C. wherein she does not support the case of the prosecution. He further submits that both Applicant and prosecutrix have performed marriage. Charge-sheet has been filed. The Applicant is in custody since 31.03.2019. Therefore, he 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 fact that the

Applicant is in custody since 31.03.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.

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