

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3103 of 2019**

Ajay Baghel S/o Sager Baghel, aged about 27 years R/o Nayamunda Para,
Jagdalpur, in front of Ayappa Mandir District Bastar (C.G.)

--- Applicant**Versus**

State of Chhattisgarh, Through Police Station Nagarnar District Bastar (C.G.).

---- Respondent

For Applicant	:	Ms. Madhunisha Singh, Advocate
For Respondent	:	Ms. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**13/05/2019**

1. The Applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 84/2016 registered at Police Station Nagarnar, Distt. Bastar (C.G.) for the offence punishable under Sections 366 (क) and 376 of the IPC and Section 6 of the POCSO Act.
2. In this case, the age of the Prosecutrix was about 17 years at the relevant time. On 12/05/2016, father of the Prosecutrix namely Ramdhar Nag made a report against the Applicant to the extent that the Applicant, by alluring the Prosecutrix, had taken her to some unknown place. On the basis of said report, offence has been registered. During course of investigation, on 14/05/2016 the Prosecutrix was recovered. Her statement was recorded and other offences have been added. The Applicant has been taken into custody on 10/07/2018.

3. Learned counsel for the Applicant submits that the Applicant is innocent and has been falsely implicated. She further submits that the Prosecutrix as well as her parents have been examined before the trial Court and all of them have not supported the case of the Prosecution. The Prosecutrix has also turned hostile. She further submits that the Applicant is in custody since 10/07/2018 and charge-sheet has been filed, therefore, the Applicant may be released on bail.
4. Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for the parties.
6. Considering the entire facts and circumstances of the case, particularly the fact that the Prosecutrix has not supported the case of the prosecution and has turned hostile. The Applicant is in custody since 10/07/2018 and trial will likely to take time, 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. Thereafter, he will appear before the Trial Court on each and every date given by the said Court.

Sd/-
(Arvind Singh Chandel)
Judge