

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3126 of 2019

- Masat Ram S/o Dhobsai Aged About 28 Years Caste Nagwanshi R/o Chhatasarai, Police Station Bagbahar, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Pattalgaon, District Jashpur Chhattisgarh.

---- Respondent

For Applicant	:	Shri Manoj Chouhan, Advocate
For Respondent/State	:	Shri V.K. Agrawal, P.L.

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 Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 23/2019, registered at Police Station – Pathalgaon, District- Jashpur, (C.G.) for the offence punishable under Sections 363, 366 & 376 of Indian Penal Code & Sections 4 & 6 of POCSO, Act.
2. In this case age of the prosecutrix at the relevant time was about 16 years and 7 months. On 23.07.2018, father of the prosecutrix namely Sugriv lodged a missing report of her daughter. On the basis of the said, initially offence under Section 363 of the IPC is registered. On 08.02.2019, prosecutrix was recovered from the

possession of the present Applicant. Statement of the prosecutrix was recorded and on the basis of her statement, other offences have been added. Applicant has been taken into custody on 14.02.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some dispute. He further 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. He further states that prosecutrix in her statement recorded under Section 164 of Cr.P.C., has not supported the case of the prosecution. Applicant is in custody since 14.02.2019 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.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that, Applicant is in custody since 14.02.2019 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