

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3779 of 2019**

Ganesh Ahariya, S/o Amar Vilash, aged about 21 Years, Caste-Lohar, R/o Village Kerju, Kumarsiya, Police Station Sitapur, District Surguja Chhattisgarh Presently R/o Tumidih Near Shani Tempal, Thana Pujipathra, District Raigarh Chhattisgarh.

---- Applicant**Versus**

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

---- Respondent

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

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

18/06/2019

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.306/2018, registered at Police Station – Pathalgaon, District- Jashpur, (C.G.) for the offence punishable under Sections 363, 366, 376 (ढ) of I.P.C and u/s 4, 6 of POCSO Act, 2012.
2. In this case age of the prosecutrix is about 16 years 4 months. As per the prosecution story, on 17.11.2018 father of the prosecutrix namely Ramlal lodged a missing report of the prosecutrix in P.S. Pathalgaon, District Jashpur (C.G.). On the basis of said report initially offence u/s 363 of IPC has been registered. During course of investigation, prosecutrix was recovered from the possession of present Applicant. Her statement was recorded and on the basis of her statement recorded u/s 161 of Cr.P.C. other offence have been added. The Applicant is in custody since 27.02.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some dispute with parents of the prosecutrix. He further submits that Prosecutrix have already been examined before the Trial Court and in her statement recorded u/s 164 of Cr.P.C she has not supported the case of the prosecution and turned hostile. Applicant is in custody since 27.02.2019. He also submits that charge-sheet has been filed 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, particularly considering the evidence collected by the prosecution and further considering the fact that in the statement of prosecution recorded u/s 164 of Cr.P.C she has not supported the case of the prosecution and turned hostile. Applicant is in custody since 27.02.2019, charge sheet has been filed and trial will 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. 25,000/- with one solvent 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