

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3860 of 2019**

Ajay Mahanand S/o Late Munna Mahanand, aged about 23 Years R/o Ompur Colony, Q.No. M/589, Outpost Rajgamar, District Korba Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Outpost Rajgamar, Police Station Balco, District Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate.
For Respondent/State : Mr. K.K. Dewangan, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

24/06/2019

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. 32/2019, registered at Police Station – Balco, District-Korba (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 of the POCSO Act, 2012.
2. In this case, age of the prosecutrix is about 17 years 02 months. As per the prosecution story, on 10.01.2019, father of the prosecutrix lodged a missing report regarding missing of her daughter. On the basis of said, offence has been registered. During course of investigation, the prosecutrix was recovered from the possession of present Applicant. Her statements were recorded and thereafter other offence have been added. The Applicant is in custody since 14.03.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated due to some dispute. Earlier there was a love relationship between the prosecutrix and the present Applicant due to which, the prosecutrix herself left her house on her own will. Even, in her statements recorded u/s 164 she has not supported the case of the prosecution. The Applicant is in custody since 14.03.2019 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 with due care.
6. Considering the facts and circumstances of the case, particularly considering the fact that the Applicant is in custody since 14.03.2019 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. 20,000/- 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