

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4136 of 2019**

Rahul Rangari S/o Late Jagannath Rangari, aged about 26 years R/o Gali No.1, Shanti Nagar Ward No. 11, Rajnandgaon, Police Station out Post Chikhali, Rajnandgaon, District Rajnandgaon (C.G.)

--- Applicant**Versus**

State of Chhattisgarh, Through the Out Post Chikhali Police Station City Kotwali, District Rajnandgaon(C.G.)

---- Respondent

For Applicant	:	Mr. Shaleen Singh Baghel, Advocate
For Respondent	:	Mr. K.K. Dewangan, Dy. Govt. Advocate

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board**30/07/2019**

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. 201/2019 registered at Police Station Out Post Chikhali, City Kotwali (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 3 & 4 of the POCSO Act.
2. As per prosecution story, on the date of incident the age of the Prosecutrix was about 16 years 3 months. On 27/03/2019, mother of the Prosecutrix namely Kanti lodged a missing report of her daughter. Initially offence under Section 363 of the IPC has been registered on the basis of report made by the mother of the Prosecutrix. On 22/05/2019, the Prosecutrix was recovered from the possession of the Applicant. Her statement was recorded and on that basis, other offences have been added. The Applicant has been arrested on 24/05/2019.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. It is submitted that there was love relation between the Prosecutrix and the Applicant, therefore, the Prosecutrix herself left her house and performed marriage with the Applicant. After marriage, both had resided at Nagpur as husband and wife. Though in the *Dakhila Kharij* register the age of the Prosecutrix is mentioned as 22/08/2002, in the *Pragati Patrak* the age of the Prosecutrix is mentioned as 22/08/2000 which is also a part of record. It is further submitted that the Prosecutrix in her statement recorded under Section 164 of the Cr.P.C stated that she is aged 19 years. He further submits that the Applicant is in custody since 24/05/2019, charge-sheet has been filed and trial will take time, therefore, the Applicant may be released on bail.
4. Counsel appearing on behalf of the State also opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that there is discrepancy in the *Dakhil Kharij* register and *Pragati Patrak* which is part of record. Apart from this, the Prosecutrix in her statement recorded under Section 164 of the Cr.P.C herself has stated that she is aged about 19 years at the relevant time, without further commenting on merit 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 his 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 for his appearance before the said Court, as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge