

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4098 of 2019**

- Mahesh Das Vaishnav S/o Chamar Das Vaishnav, Aged About 28 Years R/o Village - Singhdhar (Singhjhar) Post Office And Police Station - Seenapali, District - Nuapada (Odisha).

---- Applicant**Versus**

- State of Chhattisgarh Through The Station House Officer, Police Station - Devbhog, District - Gariyaband Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Shri Amit Singh, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**17/07/2019**

1. The Applicant has preferred this second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 198/2018, registered at Police Station – Devbhog, District – Gariyaband, Chhattisgarh, for the offence punishable under Sections 363, 366, 376 (2)(n) of IPC and 4/6 of POCSO Act.
2. First bail application of the Applicant was earlier dismissed as withdrawn with liberty to file afresh after examination of prosecutrix before the trial Court.
3. In this case, prosecutrix is a girl aged about 17 years. As per the prosecution story, allegation against the present Applicant is that, he committed sexual intercourse with the prosecutrix on pretext of marriage. The Applicant also took her with him from her legal guardianship. Report was lodged by Bhakchand Yadav, who is maternal uncle of the prosecutrix and on the basis of the said, offence has been registered. During course of investigation, prosecutrix was

recovered from the possession of the present Applicant. Thereafter, statements of the prosecutrix were recorded. Applicant has been taken into custody on 13.11.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that there was a love relationship between the Applicant and the prosecutrix due to which prosecutrix herself had left her house on her own will. From the statement of the prosecutrix given before the trial Court, it reveals that she was a consenting party. He further states that, there is no any cogent evidence regarding age of the prosecutrix. Applicant is in custody since 13.11.2018 and trial is likely to take some time. Therefore, he may be released on bail.
5. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for the parties and perused the case diary with due care.
7. 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 13.11.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
8. Accordingly, the bail application is allowed.
9. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 1,00,000/- with two local solvent sureties each of Rs. 50,000/- to the satisfaction of the concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge