

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4163 of 2019

- Vikash Thakur S/o Nehru Thakur Aged About 20 Years R/o Anjora, Police Station- Somani, District- Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Gundardehi, District- Balod, Chhattisgarh.

---- Respondent

For Applicant : Mr. Hemant Gupta, Advocate.
For Respondent/State : Ms. Smriti Shrivastava, P.L.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/07/2019

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. 86/2019, registered at Police Station – Gundardehi, District- Balod (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the POCSO Act.
2. In this case, the age of the prosecutrix at the relevant time was about 18 years. As per the prosecution story, on 13.03.2019, mother of the prosecutrix namely Latabai lodged a missing report of her daughter/prosecutrix in concerned police station. On the basis of said report, initially offence under Section 363 of IPC has been registered. During course of investigation, prosecutrix has been recovered on 14.03.2019 from the possession of present applicant. Thereafter, her statement was recorded. On the basis of her statement, other offence have been added. The applicant is in custody since 15.03.2019.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that virtually there was a love relationship between the prosecutrix and the applicant due to that she herself left her house on her own will. Prosecutrix was already examined before the Trial Court and she has not supported the case of the prosecution and turned hostile. Mother of the prosecutrix was also examined before the Trial Court and from the statement of prosecutrix as well as mother, it is established that her age is above 18 years on the date of incident. He further submits that the applicant is in custody since 15.03.2019 and trial is likely to take some time. Therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of State opposes the bail application.
5. I have heard learned Counsel for both the parties.
6. Considering the facts and circumstances of the case and evidence collected by the prosecution and further considering the statement of prosecutrix made before Trial Court. The applicant is in custody since 15-03-2019 and trial is 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 local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge