

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4199 of 2019**

Krishna Manjhi, S/o Shriram Prasad Manjhi, Aged About 25 Years, R/o Village Meeratola, Post Khajuwanti, Police Station Baikunthpur, District Gopalganj Bihar, Presently R/o Village Dhengurnala, Balco Road, Patharripaara, Rampur, P.S. Kotwali, District : Korba, Chhattisgarh

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station-Kotwali, Chowki – Rampur, District – Korba, Chhattisgarh

---- Respondent

For Applicant	: Shri Syed Imtiaz Ali, Advocate.
For Respondent/State	: Shri Akhtar Hussain, Panel Lawyer.

Hon'ble Smt. Justice Rajani Dubey
Order On Board

22/08/2019

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. 713/2018, registered at Police Station Kotwali, Chowki Rampur, District – Korba (C.G.) for the offence punishable under Sections 363, 366 and 376 of the IPC and Section 6 of the POCSO Act.
2. As per the prosecution story, on 20.09.2018, a missing report was lodged by aunt of the prosecutrix against an unknown person that prosecutrix went to the school and did not return to home. During investigation, on the basis of mobile location of the prosecutrix, she was recovered from the applicant in Haryana Sonipath, Police Station Kundli. It is alleged that the applicant

was kidnapped the prosecutrix and committed rape on her. Based on this, an offence has been registered against the applicant and he has been arrested on 02.02.2019.

3. Learned counsel appearing on behalf of the Applicant submits that the prosecutrix of her own went along with the applicant. He further submits that the prosecutrix, on the date of incident was major. He also submits that the applicant is in custody since 02.02.2019, charge-sheet has already been filed and trial will likely to take some time, therefore, 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 further considering the fact that the applicant is in custody since 02.02.2019, charge-sheet has been filed and that the 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 surety for the like amount to the satisfaction of the Trial Court for his appearance before the Trial Court as and when directed.

Sd/-
(Rajani Dubey)
Judge