

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4526 of 2019**

Komal Thakur S/o Late Shri Jadhan Thakur, aged about 23 years R/o Village Bhalesar, P.S. Kamakhan, District Mahasamund (C.G.)

--- Applicant

Versus

State of Chhattisgarh through Station House Officer, Police Station Komakhan, District Mahasamund (C.G.)

---- Respondent

For Applicant : Mr. Sunil Sahu, Advocate

For Respondent : Mr. Shubham Verma, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

27/08/2019

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. 111/2018 registered at Police Station Komakhan, District Mahasamund (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (n) of the IPC and Section 6 of the POCSO Act.
2. In this case, the age of the Prosecutrix was about 17 years at the relevant time. On 28/08/2018 father of the Prosecutrix lodged a missing report regarding missing of her daughter. On the basis the said report, Initially offence under Section 363 of the IPC has been registered. During course of inquiry on 24/01/2019, the Prosecutrix was recovered from the possession of the Applicant at Rajkot (Gujrat). Her statement was recorded and thereafter other offences have been added. The Applicant has been arrested on 25/01/2019.

3. Learned counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated. There was love relation between the Applicant and the Prosecutrix, due to that she herself left her house. Both had stayed 2-3 months at Rajkot and also performed marriage in a temple. They also lived as Husband and Wife. It is further submitted that there is no evidence available on record on the basis of which it can be said that at the time of alleged offence, the age of the Prosecutrix was below 18 years. He further submits that the Applicant is in custody since 25/01/2019, 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 counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Applicant is in custody since 25/01/2019, charge-sheet has been filed and trial will take 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 furnishing a personal bond 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