

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4752 of 2019**

Dhaneshwar Kurre S/o Asharam Kurre, aged about 24 years R/o Village Sankra, Police Station Arjuni, District Dhamtari (C.G.)

--- Applicant

Versus

State of Chhattisgarh Through Police Station Arjuni, District Dhamtari (C.G.)

---- Respondent

For Applicant	:	Mr. Dashrath Kushwaha, Advocate
For Respondent	:	Mrs. Smriti Shrivastava, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

19/08/2019

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. 99/2019 registered at Police Station Arjuni, District Dhamtari (C.G.) for the offence punishable under Sections 363 & 376 of the IPC and Section 4 & 6 of the POCSO Act.
2. In this case, the age of the Prosecutrix was about 16 years 6 months at the relevant time. On 01/05/2019, father of the Prosecutrix lodged a missing report of his daughter. On the basis of said report, initially offence under Section 363 of the IPC has been registered. On the next day i.e. on 02/05/2019, the Prosecutrix was recovered from the possession of the Applicant and her statement was recorded. Thereafter, other offence have been added. The Applicant has been arrested on 02/05/2019.
3. Learned counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated due to some dispute with the family member of the Prosecutrix. He further submits that the Prosecutrix in her statement recorded under Section 164 of the Cr.P.C has not stated anything against the Applicant. From the statement of the Prosecutrix, it is established that due to some quarrel with her brother, she herself left her house. It is further submitted that the Applicant is in custody since 02/05/2019, 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 counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the Prosecutrix in her statement recorded under Section 164 of the Cr.P.C has not stated anything against the Applicant, the Applicant is in custody since 02/05/2019, 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**