

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5383 of 2019**

- Vijay S/o Shri Itwari Dhanwar Aged About 22 Years R/o Temri, Police Station Kasdol, District Baloda Bazar, Bhatapara, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station Kasdol, District Balodabazar, Bhatapara, Chhattisgarh.

---- Respondent

For Applicant	: Mr. S. K. Guha, Adv.
For Respondent/State	: Ms. Reena Singh, PL.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****06.11.2019**

1. In pursuance to the order dated 01.10.2019, the complainant/informant is present today before this Court with his counsel. On being asked, he has made his consent regarding grant of bail to the applicant.
2. His presence be marked.
3. The accused/applicant has moved this first bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 441/2018 registered at Police Station Kasdol, District-Baloda Bazar, Bhatapara (C.G.) for the offence punishable under Sections 363, 366 and 376 of IPC and 17 & 04 of POCSO Act.
4. The prosecution story, in brief is that, on 31.08.2018, the father of the prosecutrix namely, Itwari has lodged a missing report of his daughter against the present applicant. On the basis of that, the police has registered missing report and after recovery of the prosecutrix, she said that she has love affair with the applicant and she went to Kanpur on her will with the applicant and they were

residing at Kanpur as husband and wife. Based on this offence has been registered against the present applicant.

5. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that the prosecutrix herself stated in her statement under section 164 of Cr.P.C. that the present applicant did not make any relation with her. The applicant is in jail since 01.07.2019, there is no likelihood of his case being decided in near future, therefore, the present applicant may be released on bail.
6. On the other hand, counsel for the State opposes the bail application.
7. I have heard learned counsel for the parties and perused the case diary.
8. Taking into consideration the nature and gravity of the offence, facts and circumstances of the case, and further considering the fact that the prosecutrix did not support the present case and she herself stated in her statement dated 03.07.2019, recorded under section 164 of Cr.P.C. that she has taken the present applicant with her, due to harassment and torture by his father and her father/complainant made no objection regarding grant of bail to the applicant and the trial is likely to take some time for its final disposal, this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.
9. Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one local surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

**Sd/-
(Rajani Dubey)
Judge**