

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9212 of 2018**

- Deepak Nishad, S/o Mannu Nishad, aged about 23 years, R/o Village-Karamsen, Police Station Nandghat, District- Bemetara, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, P.S. Berla, District-Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Sanjeev Kumar Sahu, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

11/01/2019

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. 249/2018, registered at Police Station – Berla, District-Bemetara, (C.G.) for the offence punishable under Sections 363, 366(A), 376 of IPC and Section 5(L), 6 of POCSO Act, 2012.
2. As per the prosecution story, prosecutrix is a girl aged about 17 years and 10 months. On 07.09.2018, father of the prosecutrix lodged a missing report of his daughter (prosecutrix) wherein it has been alleged that prosecutrix was missing from 02.09.2018. On the basis of the said, initially offence under Section 363 of the IPC has been registered against the present Applicant. During course of investigation, on 28.10.2018 prosecutrix has been recovered from the possession of the present Applicant at Pune. Statements of the prosecutrix have been recorded thereafter other offences have been added. The Applicant is in custody since 08.10.2018.
3. Learned Counsel appearing on behalf of the Applicant submits that the

Applicant is innocent and has been falsely implicated in the case. He further states that there was love relationship between the Applicant and the prosecutrix and they both have performed marriage. Statement of the prosecutrix has been recorded under Section 164 of the Cr.P.C. wherein she has not supported the case of the prosecution. The Applicant is in custody since 08.10.2018. Therefore, he may be released on bail.

4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 08.10.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him 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. 20,000/- with one solvent 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