

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9308 of 2018

- Nohar Dewar @ Nohar Dhruv S/o Millu Dewar @ Millu Dhruv Aged About 18 Years R/o Subhash Nagar Dewar Para, Telibandha Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Telibandha Raipur Chhattisgarh

---- Respondent

For Applicant	: Shri KK Dixit, Advocate.
For Respondent/State	: Shri UKS Chandel, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

09/01/2019

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. 353/2018, registered at Police Station Telibandha District Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and Section 4 & 6 of the POCSO Act, 2012,
2. In this case prosecutrix is a girl aged about 17 years 10 months. As per the prosecution story, on 13.07.2018, mother of the prosecutrix lodged a report regarding missing of her daughter/prosecutrix. On the basis of said report, offence has been registered. During course of investigation, prosecutrix has been recovered from the possession of mother of the present Applicant and thereafter her statements were recorded. The applicant has been arrested on 23.08.2018.
3. Learned counsel appearing on behalf of the Applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the prosecutrix is a minor girl and

looking to her statement recorded under Section 164 of Cr.P.C she does not support the case of the prosecution and she categorically stated that she left her house on her own will. The applicant is in custody since 23-08-2018, charge-sheet has already filed and trial will likely to take some time, therefore, the 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, the evidence collected by the prosecution and further considering the fact that in the statement of prosecutrix recorded under Section 164 of Cr.P.C. she does not support the case of the prosecution. The applicant is in custody since 23-08-2018, charge-sheet has already been filed and 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. 20,000/- with one surety for the like amount to the satisfaction of the trial court for their appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge