

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9453 of 2018**

- Samalia Nishad, S/o Vishal Nishad, aged about 24 years, R/o Village-Deurgaon, Police Station- Saja, District- Bemetara, Chhattigarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- SHO, P.S. Bemetara, District- Bemetara, Chhattisgarh.

---- Respondent

For Applicant	: Shri Vaibhav A. Goverdhan, Advocate.
For Respondent/State	: Shri UKS Chandel, 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. 109/2018, registered at Police Station – Berla, District- Bemetara, (C.G.) for the offence punishable under Sections 363, 366-A, 376 of IPC and under Section 5 & 6 of POCSO Act, 2012.
2. As per the prosecution story, prosecutrix is a girl aged about 16 and half years. On 30.04.2018, father of the prosecutrix lodged a missing report of his daughter. On the basis of the said report, initially offence under Section 363 of the IPC has been registered against the Applicant. During course of investigation, prosecutrix has been recovered from the possession of the present Applicant on 03.05.2018. Statements of the prosecutrix have been recorded thereafter other offences have been added. The Applicant has been taken into custody on 05.05.2018.
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 a love relationship between the Applicant and the prosecutrix, due to which prosecutrix herself has left her house on her own will. Statement of the prosecutrix has been recorded under Section 164 of Cr.P.C. wherein she has not supported the case of the prosecution and has turned hostile. The Applicant is in custody since 05.05.2018. 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 prosecutrix in her statement recorded under Section 164 of Cr.P.C., has not supported the case of the prosecution, the Applicant is in custody since 05.05.2018 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