

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 9631 of 2018

- Lomeshwar Markam S/o Sahdev Markam Aged About 21 Years R/o Village Ghutkunwapara, Post Office and Police Station Gariyaband District Gariyaband Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Gariyaband District Gariyaband Chhattisgarh

---- Respondent

For Applicant	: Mr. Shivendu Pandya, Advocate.
For Respondent/State	: Mr. DP Singh, Dy. A.G.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

12/03/2019

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. 255/2018, registered at Police Station Gariyaband, District Gariyaband (C.G.) for the offence punishable under Sections 363, 366, 376 of the IPC and Section 6 of the POCSO Act, 2012.
2. In this case prosecutrix is a girl aged about 15 years and four months. As per prosecution story, on 24.10.2018, mother of the prosecutrix namely Tuleshwari Bai Dhruv, lodged a missing report of her daughter/prosecutrix in police station. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, on 25.10.2018, prosecutrix has been recovered from the house of one Sawani Nirmalkar, thereafter her statement was recorded. On the basis of her statement, other offence have been added. The applicant is in custody since 30.10.2018.
3. Learned counsel appearing on behalf of the applicant submits that the applicants is innocent and has been falsely implicated in the present

case due to some previous dispute. He further submits that prosecutrix has already examined before the Trial Court and she has not supported the case of the prosecution and turned hostile. The applicant is in custody since 30.10.2018 and trial is 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 and evidence collected by the prosecution, further considering the fact that the prosecutrix has already examined before the Trial Court and she has not supported the case of the prosecution and turned hostile, the applicant is in custody since 30-10-2018 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 applicants shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one local solvent surety for the like sum to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)

Judge