

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9591 of 2018

- Sudhir Patle S/o Moharsai Patle Aged About 22 Years R/o Village Baharbod Police Station Bemetara, District Bemetara, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer Police Station Nawagarh District Bemetara Chhattisgarh.

---- Respondent

For Applicant : Ms. Sharmila Singhai, Advocate.
For Respondent/State : Shri KK Dewangan, Dy. GA.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

14/02/2019

1. The applicant has preferred this Second bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with Crime no. 04/2018, registered at Police Station Nawagarh, District Bemetara (C.G.) for the offence punishable under Section 363, 366 (A), 376 of the IPC and Section 5 (L), 6 of the POCSO Act, 2012.
2. First bail was dismissed as withdrawn with liberty to revive the same after examination of the material witnesses of the case vide order dated 10.05.2018 passed in MCRC No. 1973/2018.
3. In this case prosecutrix is a girl aged about 16 years. As per prosecution story, on 07.01.2018 father of the prosecutrix lodged a report in police station, wherein, it has been stated that on

05.01.2018, when her daughter/prosecutrix went to the school, but she did not return from there, thereafter the complainant came to know through villagers that the applicant has taken her daughter. On the basis of said report, initially offence under Section 363 has been registered. During course of investigation, on 10.01.2018 prosecutrix has been recovered from the possession of the present applicant from Sonipat, Haryana thereafter her statement was recorded, on the basis of her statement, other offence have been added. The applicant is in custody since 10.01.2018.

4. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. She further submits that virtually there was a love relationship between the applicant and the prosecutrix, due to that the prosecutrix left her house on her own will. She further submits that prosecutrix and her parents were already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. There is nothing on record, on the basis of which it can be said that at the time of incident prosecutrix was a minor girl. The applicant is in custody since 10.01.2018, charge-sheet has already filed and trial will take some time, therefore, he may be released on bail.
5. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
6. I have heard learned Counsel for both the parties.
7. Considering the facts and circumstances of the case and evidence collected by the prosecution, further considering the fact that the prosecutrix and her parents were already examined before the Trial Court and they have not supported the case of the prosecution and turned hostile. The applicant is in custody

since 10.01.2018, charge-sheet has already 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.

8. Accordingly, the bail applications are allowed.
9. 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