

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 9983 of 2018**

- Rahul @ Ashish Soni, Aged about 22 years, S/o Shri Kishan Prasad Soni, R/o Dhuripara, Nayapara, Mangla, P.S. - Civil Lines, Bilaspur, District- Bilaspur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- S.H.O., P.S. Sarkanda, District- Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Achyut Tiwari, Advocate.
For Respondent/State	: Ms. Smriti Shrivastava, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/02/2019

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. 1019/2018, registered at Police Station – Sarkanda, District- Bilaspur, (C.G.) for the offence punishable under Sections 363, 366, 354 of IPC and 8 & 12 of POCSO Act, 2012.
2. In this case prosecutrix is a girl aged about 15 years. As per the prosecution story, on 27.11.2018 a missing report of the prosecutrix has been lodged by the father of the prosecutrix namely Raj Kumar Kashyap. On the basis of the said, initially offence under Section 363 of the IPC has been registered against unknown person. Later on 28.11.2018 prosecutrix was recovered and her statements were recorded. On the basis of her statements, other offences have been added. Allegations against the present Applicant is that, on the pretext of marriage, he abducted the prosecutrix. The Applicant has been taken into custody on 30.11.2018.

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 charge-sheet has been filed and charges have also been framed. The Trial Court has framed charges only for the offence punishable under Sections 363, 366 of the IPC and Section 12 of POCSO Act. He further submits that the prosecutrix in her statements, recorded under Section 164 of Cr.P.C. has not stated anything specific against the Applicant. The Applicant is in custody since 30.11.2018 and trial is likely to take some time. 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 has no previous antecedent, he is in custody since 30.11.2018 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 concerned Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge