

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 10005 of 2018

- Dhanesh Kumar Sahu @ Nannu S/o Bhagwat Sahu Aged About 21 Years R/o Rambag Chowk Sadar Dakshin Ward P. S. Kotwali And District Dhamtari, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through Station House Officer, Kotwali District Durg, Chhattisgarh.

---- Respondent

For Applicant	: Shri Avinash Chand Sahu, Advocate.
For Respondent/State	: Shri Bhaskar Payashi, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/01/2019

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. 447/2018, registered at Police Station – Kotwali, District - Rajnandgaon, (C.G.) for the offence punishable under Sections 363, 366, 376 of IPC and U/s of 6 of POCSO Act, 2012.
2. As per the prosecution story, prosecutrix is a girl aged about 17 years. On 16.08.2018, 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. On 21.09.2018, prosecutrix was recovered from the possession of the present Applicant at Raipur. Statements of the prosecutrix were recorded, on the basis of which other offences has been added. On the basis of the said report, offence has been registered against the Applicant and he has been taken into custody on 21.09.2018.
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. Both Applicant and the Prosecutrix have also performed marriage. He also submits that charge-sheet has been filed, the Applicant is in custody since 21.09.2018 and trial will take 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 is in custody since 21.09.2018 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 furnishing 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