

HIGH COURT OF CHHATTISGARH, BILASPUR
MCRC No. 10025 of 2018

- Sameer Kumar Nag S/o Gopinath Nag Aged About 18 Years R/o Malappa Camp Kirandul, Tehsil Bachali, District- Dantewada, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station- Kirandul, District- Dantewada, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Indira Tripathi, Advocate.
For Respondent/State : Mr. Sumit Singh, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

21/02/2019

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. 45/2018, registered at Police Station- Kirandul, District- Dantewada (C.G.) for the offence punishable under Section 363, 366 & 376 of the IPC and Section 5 (1) & 6 of the POCSO Act, 2012.
2. First bail was dismissed as withdrawn with liberty to file a fresh after examination of the prosecutrix before the Trial Court vide order dated 25.10.2018, passed in MCRC No. 6962/2018.
3. In this case prosecutrix is a girl aged about 16 years. As per prosecution story, on 04.06.2018, father of the prosecutrix namely Jagmohan lodged a missing report regarding missing of her daughter. On the basis of said report, initially offence under Section 363 of the IPC has been registered. During course of investigation, on 13.06.2018, prosecutrix has been recovered from the possession of

the present applicant, thereafter, her statement was recorded. On the basis of statement of the prosecutrix other offence have been added. The applicant is in custody since 13.06.2018.

4. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. She further submits 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 13.06.2018, 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 the parties and perused the case diary with due care.
7. Considering the facts and circumstances of the case, the evidence collected by the prosecution and 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 13.06.2018, 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 application is allowed.
9. 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