

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 852 of 2020**

- Domar Singh @ Kuleshwar S/o Baratu Ram Chakradhari Aged About 20 Years R/o Village Kandijhar, Police Station Bagbahra, District Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Petitioner**Versus**

- State Of Chhattisgarh Through- Station House Officer, Police Station Fingeshwar, District- Gariyaband, Chhattisgarh., District : Gariyabandh, Chhattisgarh

---- Respondent

For Applicant	:	Shri Hemant Kesharwani, Advocate
For Respondent	:	Shri B.L. Sahu, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****19/03/2020**

1. The applicant has preferred this first bail application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is arrested in connection with Crime No.130/2019, registered at Police Station - Fingeshwar, District Gariyaband (C.G.) for the offence punishable under Sections 363, 366, 376 (2) (N) IPC, Sections 4, 6 of POCSO Act, 2012 and Section 3(2)(v) of SC/ST Act.
2. The prosecution case, in brief, is that on 23.07.2019, the father of the prosecutrix made a report at police station stating therein that his daughter is missing from home. They searched their daughter at own level but of no avail, thereafter, a missing report was lodged at police station, Fingeshwar against unknown person. During investigation, the prosecutrix recovered from the possession of the applicant and her statement under Section 161 CrPC was recorded. Based on this, offence has been registered. The present applicant has been taken into custody on

29.07.2019.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the case. He further submits that the applicant has not abducted the prosecutrix rather she herself accompanied the applicant. He also submits that the prosecutrix is above 17 years of age and she is a consenting party to the act of the applicant. He also submits that the statement of the prosecutrix has also been recorded under Section 164 CrPC wherein she has not stated against the applicant and turned hostile. It is next submitted that the applicant is in custody since 29.07.2019, charge sheet has been filed and there is no likelihood of his case being decided in near future. Therefore, he may be released on bail.
4. On the other hand, learned counsel for the State opposed the bail application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the totality of the facts and circumstances of the case, quality of evidence and further considering the fact that the applicant is in custody since 29.07.2019, charge sheet has been filed and the trial is 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 applicant shall be released on bail on his executing a personal bond for a sum of Rs.25,000/- 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, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge