

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6657 of 2019**

- Rajkumar Shrivastava S/o Nohar Shrivastava, aged about 21 years, R/o village Dalpurva, P.S. and Tahsil Pathariya, District Mungeli (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Police Station House Officer, Chowki Chandnu, Police Station Nandghat, District Bemetara (C.G.)

---- Respondent

For Applicant	:	Shri Suresh Kumar Verma, Advocate
For Respondent	:	Ms. Reena Singh, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****16/01/2020**

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.246/2018 registered at Police Station - Chowki Chandnu, P.S. Nandghat, District Bemetara (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 4,5(अ) and 6 of POCSO Act.
2. The prosecution story, in brief, is that on 03.08.2018, complainant, mother of prosecutrix, lodged a written report at police station Chandnu alleging therein that the unknown person lured her daughter and took her away. During investigation, on the basis of call details, the prosecutrix recovered from the possession of applicant and her statement was recorded. Based on this, offence has been registered. The present applicant has been taken into custody on 07.09.2019.

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 prosecutrix, in her 164 CrPC statement, has not stated anything against the applicant. He also submits that the applicant is in custody since 07.09.2019, 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. Pursuant to this Court's order dated 03.12.2019, the prosecutrix along with her father is present in person before this Court and submit that she has no objection to the bail application.
6. I have heard learned counsel for the parties and perused the case diary.
7. 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 07.09.2019 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.
8. Accordingly, the bail application is allowed.
9. 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge