

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7205 of 2019**

- Devanand @ Deva S/o Lt. Shri Dayalu Ram Sahu, aged about 19 years, R/o Sirrikala, P.S. Fingeshwar, District Gariyabandh (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : Police Station Fingeshwar, District Gariyabandh (C.G.)

---- Respondent

For Applicant	:	Shri Pragalbha Sharma, Adv.
For Respondent	:	Shri Wasim Miyan, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****02/01/2020**

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.157/2019, registered at Police Station - Fingeshwar, District Gariyabandh (C.G.) for the offence punishable under Sections 363, 366, 376(2) IPC and Sections 4 & 6 of POCSO Act.
2. The prosecution story, in brief, is that the complainant, father of the prosecutrix, made a report at police station, Fingeshwar, alleging therein that his minor daughter was missing from his house 20.08.2019. He searched her daughter at own level but of no avail. During investigation, it was revealed that the prosecutrix was abducted by the applicant and they got married. Based on this, offence has been registered. The present applicant has been taken into custody on 22.08.2019.
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 is above 17 years of age and she accompanied the applicant of her own. He also submits that according to the 164 Cr.P.C. statement of the prosecutrix, she has performed marriage with the applicant. It is next submitted that the applicant is in custody since 22.08.2019, 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 22.08.2019, 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 him 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge