

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7711 of 2019**

- Mahesh S/o Shri Ram Kumar Dhuri, aged about 23 years, R/o village Modhe, Police Station Takhatpur, District Bilaspur (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh Through : The Station House Officer Jarhagaon, District Mungeli (C.G.)

---- Respondent

For Applicant	:	Shri Dheerendra Pandey, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****20/01/2020**

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.171/2019, registered at Police Station – Jarhagaon, District Mungeli (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Sections 4 & 6 of POCSO Act, 2012.
2. The prosecution story, in brief, is that on 20.07.2019 at about 10.00 pm, when the father of the prosecutrix woke up, he saw that his daughter was missing from home. He searched her daughter at own level but of no avail. Thereafter, a missing report was lodged at police station Jarhagaon against unknown person. During investigation, the prosecutrix recovered from the possession of the applicant and her statement was recorded. Based on this, offence has been registered. The present applicant has been taken into custody on 02.08.2019.
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 accompanied the applicant of her own. He also 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 02.08.2019, 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. Learned State counsel submits that the age of the prosecutrix is above 16 years.
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 02.08.2019, 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 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge