

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 7702 of 2019**

- Mukesh Ratre S/o Shri Shiv Das Ratre, aged about 23 years, R/o village Budhwara, P.S. Lormi, (Wrongly mentioned Kotmi in impugned order) District Mungeli (C.G.)

---- Applicant**Versus**

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

---- Respondent

For Applicant	:	Shri Dheerendra Pandey, Advocate
For Respondent	:	Shri Anurag Verma, 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.478/2019, registered at Police Station – Lormi, 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 06.10.2018, the applicant abducted the prosecutrix from lawful guardianship and took her along with him. He informed his brother over telephone that the prosecutrix is with him and he will not return the girl. 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 27.07.2019.
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 prosecutrix in major and she accompanied the applicant of her own. He also submits that the prosecutrix, in her 161 and 164 CrPC statement, has not stated anything against the applicant. He also submits that the prosecutrix herself has given affidavit stating therein that on 08.07.2019, after information to her parents, he performed marriage with the applicant. He further added that the applicant is in custody since 27.07.2019, 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. Learned State counsel submits that the age of the prosecutrix is above 17 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 27.07.2019, 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.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge