

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8066 of 2019**

Dori Lal Jangade, S/o- Udayram Jangade, Aged about 26 years, R/o- village
 Diwandipa, Taluka Baramkela, P.S. Baramkela, District Raigarh (C.G.) (In jail)

---- Applicant**Versus**

State of Chhattisgarh, Through Station House Officer, Police Station Sarangarh,
 District Raigarh (C.G.)

----Respondent

For Applicant	: Mr. Ashtosh Pandey, Advocate.
For Respondent	: Mr. Anil Tripathi, Panel Lawyer

Hon'ble Smt. Justice Rajani Dubey**Order On Board****28/01/2020**

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 38/2019 registered at Police Station Sarangarh, District Raigarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 & 6 of POCSO Act, 2012.

(2) Case of the prosecution, in brief, is that on 16.01.2019 father of the prosecutrix namely Jivan Lal Lahre made a complaint before the police station Sarangarh stating *inter alia* that her daughter, who is aged about 17 years, has lost since 15.01.2019 when she went to school and did not come back. Upon due investigation and search, the prosecutrix was found in possession of the accused/applicant on 12.10.2019 and he was arrested on that date i.e. 12.10.2019.

(3) Learned counsel appearing for the applicant would submit that the applicant is innocent person and he has falsely been implicated in the crime in question, which is apparent from the statement of the prosecutrix recorded under Section 164 Cr.P.C. before the court below; in which she has not supported the case of the prosecution and turned hostile; applicant is in jail since 12.10.2019 and no custodial interrogation is required and, therefore, the applicant may be released on bail.

(4) On the other hand, learned counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case, further considering the statement of the prosecutrix recorded under Section 164 of the Code of Criminal Procedure, in which, she has not supported the case of the prosecution; and the facts that applicant is in jail since 12.10.2019 and no custodial interrogation is required; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court.

Certified copy, as per rules.

Sd/-

(Rajani Dubey)

Judge

Dubey/-

