

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8467 of 2019**

- Tikeshwar Lahre S/o Dharmendra Lahre, aged about 19 years, R/o Tumdileva, Thana – Somni, District Rajnandgaon (C.G.).

---- Applicant**Versus**

- State Of Chhattisgarh Through- The Police Station – Ghumka, District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	:	Shri Samir Singh, Advocate
For Respondent	:	Ms. Akshara Amit, P.L.

Hon'ble Smt Justice Rajani Dubey**Order on Board****10/02/2020**

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 – Ghumka, District Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366, 376 IPC and Section 6 of POCSO Act, 2012.
2. The prosecution story, in brief, is that uncle of the prosecutrix lodged a written report at Police Station Ghumka alleging therein that the applicant allured her niece and took along with her away. During investigation, the prosecutrix was recovered from the possession of the applicant and her memorandum statement was recorded. Based on this, offence has been registered. The present applicant has been taken into custody on 27.08.2019.
3. Learned counsel for the applicants submits that the applicant is innocent and has been falsely implicated in the case. He further submits that there was love affair between the prosecutrix and the present applicant, and the prosecutrix accompanied the applicant of her own. He also submits that

the prosecutrix, in her court statement, has not supported the case of the prosecution and turned hostile. He also submits that the applicant is in custody since 27.08.2019 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 counsel submits that the prosecutrix is above 17 year of age.
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 prosecutrix is above 17 years of age, the applicant is in custody since 27.08.2019 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.
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, till the final disposal of the trial.

Certified copy, as per rules.

Sd/-
(Rajani Dubey)
Judge