

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8074 of 2021**

1. Sannu @ Sonu Cherwa, S/o Mithun, aged about 19 years, R/o Godhanpur, near Poha Mill, PS Gandhinagar, Tahsil Ambikapur, District Surguja (CG)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Gandhinagar, Ambikapur District Surguja (CG)

---- Non-Applicant

For Applicant	: Shri Sanjay Pathak, Advocate.
For Non-Applicant	: Shri Ishwar Jaiswal, Panel Lawyer.

Hon'ble Shri Deepak Kumar Tiwari, J**Order On Board****29/10/2021 :**

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.219/2019 registered in Police Station Gandhinagar, District Surguja for offence under Section 363, 366, 376 (2)(n), 376 (3) of the IPC and Section 4 & 5 (1) read with Section 6 of the POCSO Act.
2. This is the 3rd bail application on behalf of the applicant. The first bail application was dismissed as withdrawn with liberty to revive at an appropriate stage vide order passed in MCRC No.4461/2020 and the second bail application was dismissed on 12.4.2021 (MCRC No.8883/2020).
3. Case of the prosecution in brief is that on 24.9.2019 the complainant lodged a report stating that her minor daughter was missing and on enquiry it was revealed that the present applicant eloped her daughter. During investigation the prosecutrix was recovered from possession of

the applicant.

4. Learned counsel for the applicant submits that the applicant is an innocent person and has been falsely implicated in the case. The prosecutrix has been examined before the trial Court and she does not support the case of the prosecution and she turned hostile. The applicant is in jail since 27.11.2019. Therefore the applicant may be released on bail.
5. On the other hand, learned State Counsel opposes the bail application.
6. Considering the facts and circumstances of the case, particularly the fact that the victim and her mother have turned hostile and did not support the prosecution version, as also the subsequent development and that the applicant was arrested on 27.11.2019, this Court finds fit to enlarge the applicant on bail.
7. Accordingly, the application is allowed and the applicant is directed to be released on bail on his executing a personal bond for a sum of Rs.10,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

Sd/-
(Deepak Kumar Tiwari)
Judge

Barve