

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7330 of 2018

- Tameshwar Sahu S/o Shri Jahrit Sahu, aged about 21 Years R/o Village Haransinghi, Police Station - Dongargarh, District – Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Baghnadi, District – Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant	: Shri S.S. Baghel, Advocate.
For Respondent/State	: Shri Sangharsh Pandey, Dy. G.A.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board

31/10/2018

1. The Applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 09/2018, registered at Police Station – Baghnadi, District – Rajnandgaon, Chhattisgarh, for the offence punishable under Sections 363, 376 of the IPC, 4 & 12 of the POCSO Act and Section 3(2) (5) (b) of the Atrocities Act.
2. As per the prosecution story, on 18.03.2018, Human Lal Netam, lodged a report against the Applicant wherein it was stated that her niece i.e. the prosecutrix, who is a minor girl, has been missing from their home since 04.03.2018. Later on 28.06.2018, prosecutrix was recovered from the possession of present Applicant. It has further been alleged that the present Applicant by alluring the prosecutrix of marriage, committed sexual intercourse with her. On the basis of the said report, offence has been registered against the Applicant. He has been taken into custody on 28.06.2018.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case. He further submits that there was love relationship between the prosecutrix and the Applicant and she had left her house with her own will. He also submits that the prosecutrix has already been examined before the Trial Court and her statement has been recorded under Section 164 of Cr.P.C. wherein she has not supported the case of the prosecution. The Applicant is in custody since 28.06.2018 and trial will take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the prosecutrix in her statement recorded under Section 164 of Cr.P.C., does not support the case of the prosecution, Applicant is in custody since 28.06.2018 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- 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.

Sd/-
(Arvind Singh Chandel)
Judge

