

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4097 OF 2015**

Mukesh Gupta S/o Premasagar Gupta, aged about 24 years, R/o village Khurushlenga, Police Station & Tahsil Tamnar, District Raigarh (C.G.)

---Applicant**Versus**

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

---Non-applicant

For Applicant	:	Mr. Ashish Gupta, Advocate
For Non-applicant	:	Mr. Neeraj Pradhan, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****18/08/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 135/2015, registered at Police Station Tamnar, Raigarh, District Raigarh (C.G.), for the offence punishable under Sections 363, 366, 34 of I.P.C.

2. Case of the prosecution, in brief, is that applicant and other co-accused Nihal Khan abducted the prosecutrix in order to compel her marry with co-accused Nihal Khan against her will and thereby committed offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in question. He would further submit that it is co-accused Nihal Khan, who has abducted the prosecutrix and present applicant only given lift to the prosecutrix from her village to Raigarh. He would lastly submit that applicant

is in custody since 13/07/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; allegation of the prosecutrix merely against co-accused Nihal Khan; role of the present applicant in offence in question and pretrial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE