

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4600 of 2015**

1. Sanjay Chouhan S/o. Seetaram Chouhan, aged about 21 years, Occupation-Laborer, R/o. Village-Bayang, P.S. Kotra Road, Tahsil-Raigarh, Civil and Revenue District – Raigarh (CG)
2. Suklal S/o.-Poonam Chouhan, aged about – 22 years, Occupation – Laborer, R/o. Village-Faguram, P.S. Dabhra, Civil and Revenue District – Janjgir-Champa (CG)

---Applicants**Versus**

State of Chhattisgarh, Through : S.H.O. of the Police Station-Kharsia,
District – Raigarh (CG)

---Non-applicant

For Applicants	:	Mr. Abhishek Saraf, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****21/09/2015**

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 applicants who have been arrested in connection with Crime No.211/2015, registered at Police Station-Kharsia, District-Raigarh (CG), for the offence punishable under Sections 363, 366, 109 & 120B of the IPC and Section 17 of the POCSO Act.
2. Case of the prosecution, in brief, is that the present applicants abducted/instigated co-accused Ganesh Chouhan to commit the offence of kidnapping and to marry him with the minor complainant and thereby the aforesaid offence.
3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in crime in question. He would further submit that the applicants are relatives of

main-accused Ganesh Chouhan, they are in jail since 17.7.2015 and charge-sheet is yet to be filed and therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that co-accused and the complainant stayed in the house of the applicants and the present applicants have sold the mobile of the minor complainant.

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; role of the present applicants; their pre-trial detention and the fact that there is no allegation of kidnapping against the present applicants, this Court is of the opinion that present is the fit case, in which, the applicants 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 their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-