

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.4731 of 2015**

Devpal Kurmi S/o Ramlal Kurmi, aged about 24 years, R/o Jarve, Thana-Janjgir, Distt.-Janjgir-Champa (CG)

---Applicant

Versus

State of Chhattisgarh Through: Thana-Urga, Distt.-Korba (CG)

---Non-applicant

For Applicant	:	Mr. Pawan Kumar Sharma, Advocate
For Non-applicant	:	Mr.Vivek Shinghal, Panel Lawyer

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

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 applicant who has been arrested in connection with Crime No.156/2015, registered at Police Station-Urga, District-Korba (C.G.), for the offence punishable under Sections 363 & 366 of the IPC and Section 12 of the Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that the applicant abducted the complainant from his lawful guardianship on 25.5.2015 and thereby committed the aforesaid offence.
3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has been falsely been implicated in crime in question. He would further submit that in fact, the complainant has gone voluntarily with the applicant and as such, the applicant is in custody since 6.8.2015 and charge-sheet has already been filed, and therefore, he may be enlarged 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; statement of the complainant under Section 161 of the Cr.P.C. and pre-trial detention of the applicant, this Court is of the opinion that present is a 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 his 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

B/-