

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4987 OF 2015**

Chhattar Singh Korram, aged about 30 years, S/o Sukluram Korram, by
Caste Ganda, R/o Vilalge Badepara, Thana Badgaon, Tahsil Pakhanjore,
Distt. U.B. Kanker.

---Applicant**Versus**

The State of Chhattisgarh, through District Magistrate Uttar Bastar Kanker.

---Non-applicant

For Applicant	:	Mr. Parag Kotecha, Advocate.
For-Non-applicant	:	Mr. Anant Bajpai, P.L.

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 applicant who has been arrested in connection with Crime No. 19/15, registered at Police Station Badgaon, Distt. Kanker, for the offence punishable under Sections 363, 366, 342 of Indian Penal Code.

2. Case of the prosecution, in brief, is that, on 12/04/2015 applicant is alleged to have kidnapped the complainant with intent to compel her for marry against her will and wrongfully confined her for more than one month and thereby committed aforesaid 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 offence under Sections 342 & 363 of the I.P.C. are bailable offence and offence under Section 366 of the I.P.C. is

not made out as the fact of compelling for marriage is missing. He would lastly submit that applicant is in jail since 24/05/2015, therefore, he may be released on bail.

4. On the other hand, learned State counsel would oppose the prayer for grant of bail and submit that statements of the complainant recorded under Sections 161 & 164 of the Cr.P.C., in which, ingredients of Section 366 of the I.P.C. are available.

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 applicant in offence in question and the manner, in which, major girl has been kidnapped and detained wrongfully, this Court is not inclined to release the applicant on regular bail.

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

8. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE