

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.Cr.C. (A) No. 982 /2015

Motilal Gupta, S/o. Chudamani Gupta, Aged About 16 Years, R/o. Village Vijaypur, Civil & Revenue District Raigarh, Chhattisgarh, (Student Minor) Through his Guardian (Uncle) Dhawal Kishore Gupta, Aged About 35 Years, S/o. Jogeshwar Prasad Gupta, R/o. Gopalpur Koriyadadar, Raigarh, Police Khurusalenga Station & Post Boiradadar, Raigarh, Civil & Revenue District Raigarh, Chhattisgarh

---- Applicant

Versus

1. State of Chhattisgarh, Through: Police Station Tamnar, Civil & Revenue District Raigarh, District Raigarh (C.G.).

---- Respondent

For Applicant : Mr. Manoj Paranjpe, Advocate

For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

28/10/2015

1. Apprehending arrest in connection with Crime No.135/2015 registered at Police Station- Tamnar, Raigarh, District Raigarh (C.G.) for the offence punishable under Section 363, 366 read with Section 34 of the Indian Penal Code, the applicant has preferred this application under Section 438 of the Code of Criminal Procedure for grant of anticipatory bail.
2. As per the prosecution case, the applicant alongwith other co-accused Nihal Ansari and Mukesh Gupta have committed an offence under Section 363 & 366 of IPC and missing report has been made by the father of the Girl on 11.07.2015 and the Girl was recovered with one Nihal Ansari on 15.07.2015.
3. Learned counsel for the applicant submits that the applicant is a minor and no role has actually been played by him and while Mukesh Gupta and the Girl was going to Station in the middle of the way only he boarded the motorcycle. He further submits that Mukesh Gupta has already been enlarged on bail by the co-ordinate Bench of this Court and therefore the present applicant may also be enlarged on anticipatory bail.

4. Per contra, the learned State counsel opposes the prayer for grant of anticipatory bail.
5. I have gone through the statement of the prosecutrix and considering the role played by this applicant, I am inclined to grant anticipatory bail to the applicant.
6. Accordingly, the anticipatory bail application is allowed.
7. It is directed that in the event of arrest of the applicant in connection with the aforesaid offence, he shall be released on bail by the officer arresting him on furnishing a security bond by the father of the applicant to the extent of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Investigating Officer. The applicant shall also abide by the following conditions :
 - (i) that the applicant shall make himself available for interrogation before the investigating officer as and when required;
 - (ii) that the applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;
 - (iii) that the applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and
 - (iv) that the applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge