

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 5199 of 2015**

- Atul Satnami @ Anand Chandel @ Atul Chandel (Not mentioned in trial Court's order sheet), S/o. Jamunadas Chandel @ Babla Chandel, aged 18 years, R/o. Vill: Bhibhori, P.S. Sahaspur Lohara, Distt. Kabirdham (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh Through - Station House Officer, P.S. Sahaspur Lohara, Distt. Kabirdham (C.G.)

---- Respondent

For Applicant: Mr. Ajay Ayachi, Advocate.
 For Respondent/State: Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/10/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 246/2015 registered at Police Station Sahaspur Lohara, Distt. Kabirdham for the offences punishable under Sections 363 & 366 of the Indian Penal Code.

(2) Case of the prosecution, in brief, is that on 1.8.2015 applicant is said to have kidnapped the minor complainant on the pretext of marriage against her will and, thereby, committed the aforesaid offences.

(3) Counsel for the applicant submits that complainant, in her statement recorded under Section 161 of the Code of Criminal Procedure, has not supported the prosecution case. He further submits that applicant has not kidnapped the minor complainant; he is in jail since 04.08.2015; and the charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration nature and gravity of the offence; and the role of the present applicant in the offence in question; and further considering the statement of the complainant recorded under Section 161 CrPC during trial in which she has not supported the case of the prosecution; and the fact that applicant is in jail since 04.08.2015; and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

