

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1010 of 2016**

Yuvraj Nagarachi S/o Kawal Nagarachi Aged about 23 years, R/o village
Jhola Tehsil/Dist-Durg

---Applicant

Versus

State of C.G. Through P.S.-Out Post Somni, Dist-Rajnandgaon (CG)

---Non-applicant

For Applicant	:	Mr. H.S. Ahluwalia, Advocate
For Non-applicant	:	Mr. Dheeraj Wankhede, G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

15/03/2016

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.248/2015, registered at Police Station-Out Post Somni, District-Rajnandgaon (CG), for the offence punishable under Sections 363 & 366 of the IPC and Section 8 of the Protection of Children from Sexual Offences Act.

2. Case of the prosecution, in brief, is that on 21.12.2015 the present applicant kidnapped the minor complainant and thereby committed the offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that the applicant is in jail since 13.1.2016 and charge-sheet has already been filed. He would also submit that in 164 CrPC statement the complainant has not

supported the case of the prosecution. No useful purpose will be served by detaining the applicant in jail, therefore, he may be released 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 & circumstances of the case, nature & gravity of the offence, role of the present applicant, his pre-trial detention and age of the complainant, 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 the 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-