

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4340 of 2016

1. Nand Chauhan @ Nandu, S/o. Karmaha, aged about 23 years, R/o. Mitthumuda, Rajiv Gandhi Nagar, Bhajandeepa, Jutmill Chowki, Raigarh, District – Raigarh (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Outpost Jutmill, District – Raigarh (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Ashish Gupta, Advocate
For Respondent/State	: Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

08/08/2016

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.320/2016, registered at Police Station – Out Post Jutemill, District – Raigarh (C.G.) for the offence punishable under Section 363, 366 of Indian Penal Code.
2. Case of the prosecution, in brief, is that on 28.05.2016 a report was made by the mother of the victim that her daughter is missing and when it was enquired it was found that the applicant is also missing, therefore, the report is made against the applicant that the applicant enticed away the minor girl and took her away from the legal guardianship of her parents.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case as the girl was sitting in the railway track to commit suicide, the applicant rescued her and took

her to his home and while they were coming, they were arrested by the police and no allegation have been attributed against this applicant. It is further submitted that the applicant is in jail since 30.05.2016, therefore, the applicant may be enlarged on bail.

4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the statement of the girl recorded under Section 161 of Cr.P.C.. Taking into such statement, without any further observation on merits, 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/-
(Goutam Bhaduri)
Judge