

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4603 of 2016

- Devnath Nayak @ Devnath Ram S/o Rupam Nayak Aged About 24 Years Caste - Ghansi, R/o Harratingtangaar, P.S. - Gumla, District - Gumla (Jharkhand) At Present R/o Harijan Para Portenga, Tahsil & District - Jashpur Civil & Revenue District - Jashpur Chhattisgarh ---- **Applicant (In jail)**

Versus

- State of Chhattisgarh Through : Police Station - Jashpur, District - Jashpur Chhattisgarh ---- **Non-applicant**

For Applicant : Shri AK Prasad, Advocate
For Respondent/State : Shri Anupam Dubey, Dy GA

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

22.08.2016

- 1) This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 347 of 2015, registered at PS Jashpur, district Jashpur (CG) for the offences punishable under Sections 363 and 370 read with 34 of the IPC.
- 2) Case of the prosecution, in brief, is that, present applicant took prosecutrix, a minor girl from Jashpur to one village, there she was handed over to other co-accused, who took her to Delhi. There she was asked to do the domestic work, for which she refused and came back to her village. Thereafter, a report was made against the present applicant.
- 3) Learned counsel for the applicant would submit that only allegation against the present applicant is that he took the prosecutrix from Jashpur to the village and handed over to other co-accused. Therefore, at best, only offence under Section 363 is made out, as the applicant had not

accompanied the prosecutrix for further journey to Delhi. He is in jail since 30.04.2016 therefore, he may be released on bail.

- 4) Per contra, learned State Counsel opposes the prayer for grant of regular bail to the applicant.
- 5) Heard learned counsel for the parties, perused the case diary and statement of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C.
- 6) Considering the facts and circumstances of the case; nature of allegations levelled against the applicant; and further taking into consideration that the applicant is in jail since 30.04.2016, I am inclined to release the applicant on bail.
- 7) Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

Certified copy as per rules.

Sd/-

(Goutam Bhaduri)
JUDGE