

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4855 of 2016

1. Gourav Upadhayay @ Bittu, S/o. Laxmi Upadhayay, aged about 22 years,
2. Vishal @ Vishu, S/o. Laxmi Upadhyay, aged about 20 years,
Both R/o. Takhatpur, in front of Janakpur Road Bus Stand, Police Station Takhatpur. Present address : Behind Old Collectorate Janjgir, Ward No.17, Police Station : Janjgir, District – Janjgir-Champa (C.G.)

----Applicants

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police Station-Janjgir, District – Janjgir-Champa (Chhattisgarh)

---- Respondent

For Applicants	: Mr. Gurudev I. Sharan, Advocate
For Respondent/State	: Mr. Anupam Dubey, Dy.Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

23/08/2016

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 applicants who have been arrested in connection with Crime No.131/2016, registered at Police Station – Janjgir, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376/34 of Indian Penal Code and Section 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that a report was made by one Kalyani Tiwari on 20.03.2016 that her girl is missing. Thereafter the girl was recovered on 22.03.2016 and on investigation it was revealed that the applicants enticed away the minor girl from the lawful custody of her parents and thereafter committed forceful

intercourse. Thereby the offence has been committed.

3. Learned counsel for the applicants submits that the applicants have been falsely implicated in this case and the statement of the girl was recorded before the Court wherein no allegations have been attributed to the applicants and the girl herself has went with the applicant as she was scolded by the her parents, therefore, the applicants 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/victim recorded under Section 164 of Cr.P.C., wherein no allegations have been attributed to the applicants and it is stated that since she was scolded by the mother and father, she left the house and accompanied with the applicant. Considering such statement without any further observation on merits, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge