

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 21 of 2016

Raju @ Rajendra, S/o. Mahabir Singh, Aged About 30 Years, R/o. Sikanderpur, P.S. - Surir, Civil & Revenue Distt. Mathura (U.P.)

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station-
Lakhanpur, Distt. Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mrs. Indira Tripathi, Advocate

For Respondent : Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

20/01/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.189/2010 registered at Police Station- Lakhanpur, District Surguja (C.G.) for the offence punishable under Section 366, 367, 344, 370, 506-B, 323/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that, on 23.06.2010 a report was lodged by Dhanpati Bai, mother of the prosecutrix, that the prosecutrix is missing and thereafter the victim was recovered from the other accused at village Barpali and the allegations were leveled against Ganga Bai and Kunti Bai that they have abducted the prosecutrix and thereafter after obtaining Rs.25,000/- have handed over the victim girl to Raju, the applicant, and the other co-accused.
3. Learned counsel for the applicant submits that the other co-accused Kunti Bai and Ganga Bai were tried and have been acquitted and as per the statement of the witness, nothing has

been stated against this applicant. She would submit that according to the statement of the victim neither the applicant has been identified nor anything has been stated against him and the victim and other co-accused have only stayed in the Daramsala of the applicant, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Perusal of the order would show that initially the applicant was absconding and in his absence the S.T. No.445/2010 were tried against Ganga Bai and Kunti Bai wherein they have acquitted on 04.09.2013 and thereafter the applicant has been arrested. Further, the reference has been made by the learned counsel for the applicant at para 12 & 14 of the statement of the victim, which cannot be appreciated in view of para 15 wherein after the examination after declaring hostile, the witness were cross examined and certain facts have been diluted and it is to be appreciated by the learned trial Court while appreciating the facts. Therefore, considering the fact that the applicant is absconding, I am not inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is rejected.

Sd/-
(Goutam Bhaduri)
Judge