

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 2732 of 2016**

Anil Kumar, S/o Shri Anuk Ram Patel, aged about 22 years,  
Caste-Patel, R/o Village Sandail, Tahsil – Kartala, Civil and  
Revenue District – Korba (C.G.)

**---- Applicant****Versus**

State Of Chhattisgarh, Through: Station House Officer, Police  
Station – Kartala, District - Korba (C.G.)

**---- Non-applicant**

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For Applicant: Mr. Dharmesh Shrivastava, Advocate.  
For Non-applicant/State: Mr. Gary Mukhopadhyaya Govt. Advocate.

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**Hon'ble Shri Justice P. Sam Koshy****Order On Board****09/06/2016**

Heard.

(1) This is the first application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who is in jail since 8.2.2016 in connection with Crime No. 170/2015 registered at Police Station-Kartala, District Korba, for the offence punishable under Sections 363 & 366 of Indian Penal Code and Section 12 of Protection of Children from Sexual Offences Act, 2012.

(2) As per the prosecution case, applicant is said to have abducted the minor prosecutrix, aged 16 years & 7 months on 13.12.2015 and taken her to Rajasthan, from where she was recovered only on 5.2.2016.

(3) Counsel for the applicant submits that even if the statement of the prosecutrix recorded under Sections 161 & 164 Cr.P.C. is taken into consideration, there is no iota of allegation against the present applicant of having taken the prosecutrix from her parental home to Rajasthan, on the contrary it is the averment of the prosecutrix that she had voluntarily gone with the applicant at her own wish and, therefore, the applicant deserves be released on bail.

(4) All these facts are not disputed by counsel for the State on verification of the case diary.

(5) Considering the totality of the facts of the case and also taking into account the detention period of the applicant and the fact that charge sheet has already been filed, this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application for grant of bail is allowed.

(6) Accused/applicant- **Anil Kumar** is directed to be released on bail on his executing a personal bond in the sum of Rs.20,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-  
(P. Sam Koshy)  
V. Judge

D/-