

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5555 of 2016

Raj Yadav, S/o. Setram Yadav, Aged About 19 Years, R/o. Bajrangpara, Raigarh, Police Station Kotwali, Tahsil Raigarh, District Raigarh, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Kotwali, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Amit Sharma, Advocate

For Respondent : Mr. Lav Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19.09.2016

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.435/2016 registered at Police Station- Kotwali, District Raigarh (C.G.) for the offence punishable under Section 363, 366/34 of Indian Penal Code.
2. As per the prosecution case, a report was made by the father of the victim on 26.07.2016 that his daughter is missing. Subsequently, his daughter was recovered on 27.07.2016 from the possession of Aman Yadav and thereafter, on enquiry, it revealed that Aman Yadav enticed away the minor girl from the lawful custody of her parents, which was assisted by the present applicant Raj Yadav.
3. Learned counsel for the applicant would submit that the charge sheet in this case has been filed and no further investigation is required. He further submits that no sexual overt act has been alleged against the present applicant and he is in jail since 27.07.2016, therefore, he may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and the statement of the victim. Considering the facts and circumstances of the case and the fact that the charge sheet has been filed and taking into the degree of allegation leveled against the applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the 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.

Sd/-
(Goutam Bhaduri)
Judge