

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. NO. 2561 OF 2016

Manish Ku. Gupta (Sa), S/o Dinesh Gupta (Sa), aged about 22 years,
occupation- Farmer/Labour, R/o Village- Shakarboga, P.S.
Chakradharnagar, Tah. & Distt. Raigarh (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Police Chouki- Jutmil, P.S. Kotwali,
Raigarh, District Raigarh (C.G.)

... Non-applicant

For Applicant	:	Mr. Vineet Kumar Pandey, Advocate.
For Non-applicant/State	:	Mr. Adhiraj Surana, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/06/2016

1. This is the first application filed under Section 439 of CrPC for grant of bail to Applicant who has been arrested on 20.2.2016 in connection with Crime No. 105/2016 registered at Police Chouki- Jutmil, P.S. Kotwali Raigarh, District Raigarh, for the offence punishable under Sections 363, 366/34 of IPC.
2. Case of the prosecution is that the present Applicant along with the co-accused, Devesh Gupta, is said to have called upon the victim, namely Suman Gupta, aged more than 16 years, in the night of 19.2.2016 and they were roaming around the city the whole night. That on the next morning all the three, the present Applicant, the co-accused Devesh Gupta and the victim, were found together roaming around the road when the present Applicant and the said co-accused were arrested and charged for the offence punishable under Sections 363, 366/34 of IPC.

3. Counsel for the Applicant submits that it is a case where the victim was a good friend of the present Applicant and the co-accused and therefore they had been roaming around with the consent of the victim and that there was no ulterior motive of any mischief or foul play by the Applicant against the victim. The present Applicant is also a young boy of 22 years of age and therefore he may be released on bail.

4. Counsel for the State however opposing the prayer for grant of bail submits that the nature of allegation is quite serious and the victim is a minor girl aged about 16 years and therefore the Applicant should not be released on bail.

5. Considering the total facts and circumstances of the case particularly the contents of the statement of the victim, this Court is of the opinion that it is a fit case where the Applicant can be released on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that in case the Applicant furnishes a personal bond for a sum of **Rs. 20,000/- with one surety** of the like amount to the satisfaction of the concerned Trial Court then he shall be released on bail on the following further conditions:-

(i) that the Applicant shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any police officer;

(ii) that the Applicant shall not act, in any manner, which will be prejudicial to fair and expeditious trial; and

(iii) that the Applicant shall appear before the Trial Court on each and every date given to him by the said Court till disposal of the trial.

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