

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2578 of 2016

- Shyamlal S/O Kalindar Aged About 25 Years R/O Village Balakpodi, P.S. Kapu, Tahsil Dharamjaigarh, Civil & Revenue District Raigarh, Chhattisgarh.

---- Applicant.

Versus

- State Of Chhattisgarh Through S.H.O Of The Police Station Laiunga, District Raigarh, Chhattisgarh.

---- Respondent

For Applicant : Mr. Abhishek Saraf, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27.06.2016

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 on 17-03-2016 in connection with Crime No. 71 of 2016, registered at Police Station Lailunga, District Raigarh (CG) for the offence punishable under Sections 363, 366, 342, 506, 323/34 of the IPC.
2. As per case of the prosecution, on 16-03-2016 present applicant along with other co-accused persons abducted the victim who is a major unmarried girl and took her in a car to the house of Manoj Sidhar with whom she had earlier relation on the pretext of marriage and on the next day the victim was released and thereby he committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that the complainant is a major girl and she was in relation with Manjoj

Sidhar and she herself on her own willing went to the house of Manoj Sidhar and she was not forced and abducted, therefore, the present applicant may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties and have also perused the case diary and the documents.
6. Taking into consideration all the facts and circumstances of the case, considering the statement of the victim recorded under Section 164 of Cr.P.C., in which no allegation has been leveled against the present applicant and no sexual act has been attributed to the present applicant and other co-accused persons and without any observation on the merits of the case, I am inclined to grant bail to the applicant.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju