

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.3100 of 2016**

Rajendra Chaudhary S/o Shri Bisahu Lal Chaudhary Aged About 29 Years R/o Gharoula Mohalla, Ward No. 17, Shahdol, Civil & Revenue District Shahdol, Madhya Pradesh. Presently Posted As Warrant Officer Army Jakhama, Civil & Revenue District Kohima, Nagaland.

---- Applicant

Versus

State Of Chhattisgarh Through P.S. Manendragarh, Civil & Revenue District Korea, Chhattisgarh.

-----Non-Applicant

For Applicant:	Shri Adil Minhaz, Advocate.
For Non-Applicant/State:	Shri Adhiraj Surana, Dy. Govt. Advocate for the State.

Single Bench: Hon'ble Shri P. Sam Koshy, J
Order On Board

06.6.2016

1. The present Applicant has preferred this application under Section 439 Cr.P.C for grant of bail as he is arrested in connection with Crime No.303/2015 registered at Police Station – Manendragarh, Civil & Revenue District Korea (CG) for the offence punishable under Sections 366, 376(2)(d)(f)(j) and (n), 506-B, 493, 370A(2) & 201 IPC along with Section 66 of the Information Technology Act and Sections 146/196 and 3/181 of Motor Vehicles Act.

2. The case of the prosecution is that on 18.5.2015, on the pretext of marriage, main accused Kishan @ Krishna took the prosecutrix to Shahdol, Orissa and Bhopal and kept her along with him for a period of 2 ½ months – 3 months and thereafter, it is said that he has abandoned her. The only allegation leveled against the present Applicant is that he is said to have accompanied main accused Kishan @ Krishna from the place where the main

accused had given lift to the prosecutrix to the temple. It is also alleged that there were certain photographs taken by the present Applicant. Apart from that, there is no other allegation against him.

3. Learned Counsel for the Applicant submits that the entire case is a fabricated story against the present Applicant in as much as he is an Army personnel and is working as Warrant Officer at 57 Mtn. Division, Postal Unit, Jakhama, Civil & Revenue, District-Kohima, Nagaland.

4. On the other hand, counsel for the State opposed the prayer on the ground that the delay part has been explained by the prosecutrix by stating that the Applicant and the co-accused were in possession of certain CDs and photographs which they threatened to expose if she lodges any complaint with the police authorities. But during the Course of investigation, no such CDs or any such materials have been recovered or seized by the prosecution thereby creating a doubt on the contention made by the prosecutrix offering explanation for the delay caused in lodging the First Information Report.

5. Having heard learned counsel for the parties, taking into consideration the total facts and circumstances of the case particularly, the nature of allegations leveled against the present Applicant, I am of the opinion that it is a fit case where the present Applicant can be released on bail. Accordingly, the application is allowed. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.25,000/- with one surety for the like amount to the satisfaction of the Trial Court, he shall be released on bail. He 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)

Vacation Judge