

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3426 of 2016

1. Devnarayan Singh S/O Shri Man Singh Aged About 27 Years Caste Gond, R/O Village Mendra, P.S. Jhagrakhand, Tahsil Manendragarh, District Korla, Chhattisgarh.
2. Dinesh Kumar Patel S/O Shri Sakharan Patel Aged About 23 Years R/O Village Duruppali, P.S. Basna, District Mahasamund, Chhattisgarh. Wrongly Mentioned As Village Duruppall & District Korla, Chhattisgarh.

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Jhagrakhand, District Korla, Chhattisgarh.

---- Respondent

For Applicants : Mr. F.S. Khare, Advocate

For Respondent/State : Mrs. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08.07.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 16-01-2016 in connection with Crime No.208 of 2015 registered at Police Station Jhagrakhand, District Korla (CG) for the offence punishable under Sections 363 & 370/34 of the IPC.
2. As per case of the prosecution, on 14-12-2015 a report was lodged by complainant Sonsai Agariya that his sons namely Mevalal aged about 13 years and Navalsai aged about 15 years were missing from 2-9-2015. It was revealed from the report that one Devnarayan Singh took them to Raipur from where they were taken to Maharashtra where they were made to work in Rajlaxmi Borewells at village Barsi, District Solapur. After the report was made, both sons of the complainant were recovered from Maharashtra and thereby the aforesaid offence was committed.

3. Learned counsel appearing for the applicants would submit that the applicants have been falsely implicated in the case as enquiry reveals that both the boys had gone to Maharashtra on their own will to earn livelihood. He would further submit that the charge-sheet has been filed in this case and the applicants are in jail since 16-1-2016, therefore, they may be released on bail
4. *Per contra*, learned State counsel opposes the bail application.
5. I have heard learned counsel for the parties and perused the case diary and other documents.
6. Perusal of the statement of complainant Sonsai Agariya and documents would show that the boys were minor when they were taken to Maharashtra and also perused the statements of the boys.
7. Taking into consideration the facts of the case, degree of offence and nature of allegation leveled against the applicants and further considering the statements the complainant and his sons, who were aged about 13 & 15 years at the time of incident, I am not inclined to release the applicants on bail.
8. Accordingly, the bail application filed by the applicants under Section 439 of the Cr.P.C, is liable to be and is hereby dismissed.

Sd/-
(Goutam Bhaduri)
Judge

Raju