

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4329 of 2016

- T. Shiva Rao S/O Shri T. Mohan Rao Aged About 21 Years R/O Yuva Ankush Chowk, Mangal Bazaar, Chawni, Police Station Jamul, Tehsil And District Durg Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Utai, District Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Ashok Yadav, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

08-08.2016

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 18-05-2016 in connection with Crime No. 133 of 2016, registered at Police Station Utai, District Durg (CG) for the offence punishable under Sections 363 and 366 of the IPC and Section 18 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, on 18-05-2016 a report was made by the mother of the prosecutrix that the applicant abducted her daughter who is a minor girl, took her away and kept in his captivity and subsequently she was recovered from the possession of the applicant and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the prosecutrix had gone of her own along with the applicant and in-fact

she got late somewhere, she was scolded by her parents, therefore, she did not return to her house in the night and she stayed in the house of the applicant. He would further submit that no sexual overt-act has been committed by the applicant, charge-sheet has been filed in this case, he is in jail since 18-05-2016 and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, 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. Perused the statement of the victim in which no sexual allegations have been attributed to the applicant.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the victim in which no sexual allegations have been attributed to the applicant, and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and 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