

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5044 of 2016

Hasmat Ali S/o Guljar, Aged About 19 Years, R/o Harsagar Talab,
Mominpura, Ambikapur, Police Station & Tahsil Ambikapur, District
Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through : Police Station Ambikapur, District -
Surguja Chhattisgarh

---- Respondent

For applicant - Shri Kishore Narayan, Advocate.
For Respondent/State – Shri Anupam Dubey, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order

1/09/2016

1. The applicant has preferred this application for grant of bail as he is arrested in connection with Crime No.351/2016 registered in Police Station Ambikapur, District-Surguja (C.G.) for offence punishable under sections 363, 366, 457 of IPC.
2. As per the prosecution case, a report was made by mother of the prosecutrix that the applicant in the intervening night of 2-3/06/2016 enticed away the minor girl on the pretext of marriage and kept her at Patela Village. Subsequently, she was recovered at Patela Village by the police from the custody of the applicant.
3. Learned counsel for the applicant submits that no offence is made out as statement of the prosecutrix would show that she herself had joined the company of the applicant and no sexual overt act has been attributed to this applicant, therefore no offence is made out under the charged section, therefore the applicant may be released on bail.
4. Learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim under Section 161 and 164 of Cr.P.C. Considering the statement wherein no sexual overt act has been

alleged and also considering the nature of allegations, without further observation, this court is inclined to release the applicant on bail.

6. Accordingly, the bail application is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his regular appearance before it as and when directed.

Sd/-

(Goutam Bhaduri)

JUDGE