

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5434 of 2016

Krishna Dhruw, S/o. Budhram Dhruw, Aged About 19 Years, R/o. Jagriti Chowk, Purena, Bhilai-3, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Station Bhilai-3, District Durg, Chhattisgarh.

---- Respondent

For Applicant : Mr. B.P.Singh, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.09.2016

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 in connection with Crime No.215/2016 registered at Police Station- Bhilai-3, District Durg (C.G.) for the offence punishable under Section 363 & 366 of Indian Penal Code.
2. As per the prosecution case, a missing report was lodged by the mother of the victim Smt. Sharda Goswami on 03.05.2016 that on 02.05.2016 her daughter is missing. Subsequently, on the next day i.e. on 04.05.2016, the girl returned. Thereafter, on investigation, it revealed that the applicant has enticed away the minor girl from the lawful guardianship of her parents and returned on the next day.
3. Learned counsel for the applicant would submit that the girl herself has left the house as she was scolded by her mother and she came back after a day of her own and no sexual overt act has been attributed to this applicant. He further submits that the charge sheet

has been filed and no further investigation is necessary, therefore, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary, statement of the girl as also the statement of the mother. Considering the statements, degree of allegation, facts and circumstances of the case and the fact that the charge sheet has been filed, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. 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.

Sd/-
(Goutam Bhaduri)
Judge