

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6102 of 2016

Jitendra Kumar Chandrawanshi, S/o. Ishwar Lal Chandrawanshi, Aged About 24 Years, R/o. Village Telinbandha, Police Station Bagnadi, Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station Chhuriya (O.P. Chichola) Civil & Revenue District Rajnandgaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. Keshav Dewangan, Advocate

For Respondent : Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

04.10.2016

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.141/2016 registered at Police Station- Chhuriya (O.P. Chichola), District Rajnandgaon (C.G.) for the offence punishable under Section 363, 366 of I.P.C. (As per learned Lower Court order dated 07.09.2016 under Section 17 & 18 of POCSO Act, 2012 has been discharged).
2. As per the prosecution case, a report was made by Chaman Ram, father of the victim girl on 26.03.2015 that the applicant has abducted the minor girl and it was revealed that they received the phone call from the victim girl; thereby the offence has been committed.
3. Learned counsel for the applicant would submit that initially the charges under Section 17 & 18 of POCSO Act were dropped as per the order dated 07.09.2016 (Annexure A-2) and presently only the charges under Section 363 & 366 of IPC has been clamped. He

further submits that the victim girl herself has went along-with the present applicant and no allegation of sexual overt act has been alleged against the present applicant. He submits that the charge sheet has been filed and no further investigation is required, 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, documents and statement of the victim girl. Taking into the facts and circumstances and the fact that the charge sheet has been filed and the applicant is in jail since 24.06.2016, 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