

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7989 of 2016

1. Pankaj Sarkar S/o Panchanan Aged About 38 Years R/o Karvashila, Police Station Ramanujganj, District Balrampur, Chhattisgarh.
2. Rajesh Mandal (Wrongly Written As Manyadal) S/o Lakhan, Aged About 25 Years, R/o Karvashila, Police Station Ramanujganj, District Balrampur, Chhattisgarh.
3. Parimal Mandal @ Gopal S/o Ramesh Aged About 26 Years R/o Karvashila, Police Station Ramanujganj, District Balrampur, Chhattisgarh.
4. Shiv Kumar Mandal S/o Nani Gopal Aged About 30 Years R/o Karvashila, Police Station Ramanujganj, District Balrampur, Chhattisgarh.
5. Uttam Mandal S/o Dharendra Mandal Aged About 32 Years R/o Karvashila, Police Station Ramanujganj, District Balrampur, Chhattisgarh.
6. Rakesh Mandal S/o Lakhan Mandal Aged About 28 Years R/o Karvashila, Police Station Ramanujganj, District Balrampur, Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Chalgali, District Balrampur, Chhattisgarh.

---- Respondent

For Applicants : Mrs. Hamida Siddiqui, Advocate

For Respondent/State : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

19-12-2016

1. This is first bail application filed under Section 439 of the Cr.P.C., for grant of regular bail to the applicants who have been arrested on 19-10-2016 in connection with Crime No. 35 of 2016 registered at Police Station Chalgali, District

Balrampur (CG) for the offence punishable under Sections 365, 294, 506, 323, 457, 380, 342, 148 & 149 of the IPC.

2. Case of the prosecution, in brief, is that a report was made by the complainant Manjit Halder that on 22-8-2016 present applicants came to his house and alleged that his brother-in-law has enticed away their sister, thereafter they forcibly took him away and assaulted him and during such course looted cash and other house-hold goods and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicants would submit that when the girl was missing, mother of the girl Suchitra Devi had made a report vide Annexure A/2 and subsequently the girl was recovered on 27-8-2016 which would be evident from Supurdnama. The applicants have also lodged a report against the complainant and other members that the girl of their family was enticed away by Dheeraj Vishwas. It is further submitted that it is a case of marriage of boy and girl and the report and counter report have been made which cannot be termed as nature of abduction and offence has been committed. It is further submit that charge-sheet has been filed in this case, the applicants are in jail since 19-10-2016 and no further investigation is necessary, therefore, they may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail application.

5. I have heard learned counsel for the parties, perused the case diary and documents annexed to the bail petition which would show that report was made made by the mother of the girl and also a report was made against Dheeraj and the complainant wherein it is alleged that the girl has been abducted.
6. Taking into consideration all the facts and circumstances of the case, nature of allegations leveled against the applicants and further considering the statement of the complainant and also the fact that the charge-sheet has been filed and applicants are in jail since 19-10-2016, I am not inclined to release the applicants on bail.
7. Accordingly, the application filed under Section 439 of the Cr.P.C., is allowed and it is directed that the applicants shall be released on bail on each of them furnishing a personal bod for a sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for their appearance as annd when directed.
8. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju