

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2118 of 2017

- Dharmraj Yadav S/o Ram Avtar Yadav, Aged About 25 Years R/o Village Manora, Police Station Khamhariya, District Bemetara Chhattisgarh

---- Appellant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Saja, District Bemetara Chhattisgarh

---- Respondent

For Applicant : Mr. Suresh Kumar Verma, Advocate

For Respondent/State : Mr. B. Gopa Kumar, Dy.A.G.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12-06-2017

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 12-3-2017 in connection with Crime No. 119 of 2017, registered at Police Station Saja, District Bemetara (CG) for the offence punishable under Sections 363, 366 and 368 of the IPC.
2. As per prosecution case, the applicant assisted another co-accused namely Manoj, who enticed away the minor girl from lawful guardian ship of her parents and while the other co-accused had taken away the victim, present applicant provided the vehicle and thereby the aforesaid offence was committed.
3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, the allegation against the present applicant is that while other co-accused was

enticing away the minor girl, present applicant only provided the vehicle to him for short period and no offence has been committed by the present applicant. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 12-3-2017 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, perused the case diary and documents.
6. Perused the statement of prosecutrix which would show that the applicant provided vehicle to other co-accused while he was enticing away her.
7. Taking into consideration the facts and circumstances of the case and further considering the statement of the prosecutrix and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 12-3-2017, this court is 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju

