

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6563 of 2017

Aghhan Das Mahant S/o Lachchhan Das Mahant, Aged About 32 Years R/o Village Farkanara, Police Station Kharsiya, Out Post Jobi Distt. Raigarh Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Ajak Raigarh (Out Post Jobi P. S. Kharsiya), Distt. Raigarh Chhattisgarh

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For State	:	Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

14/12/2017

Heard.

1. The applicant has been arrested in connection with Crime No.5 of 2011 registered at Police Station- Ajak, Raigarh (Out Post- Jobi P.S. Kahrsiya) (C.G.) for alleged commission of offence under Sections 363, 366 & 368 IPC and Section 3 (1) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.
2. Case of the prosecution, in brief, is that in the year 2011, the applicant kidnapped the minor girl and since then the applicant and the prosecutrix were not traceable until the applicant was arrested on 21.9.2017.
3. Learned counsel for the applicant would submit that the applicant had never absconded. He was arrested only from Raigarh. He would submit that the allegation of kidnapping by the applicant is not correct. The prosecutrix was living with the applicant as his wife. She died in the year 2012.
4. On the other hand, learned counsel for the State, opposing the bail

application, submits that the at the time of alleged commission of offence, the prosecutrix was less than 18 years of age as per records, therefore, a prima facie case is made out. He would further submit that the applicant was absconding since 2011, therefore, if he is granted bail, the applicant is again likely to abscond or misuse liberty.

5. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration that the deceased was found living with the applicant up to year 2012 when she was reported dead on the report of the applicant, the application is allowed.
6. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.50,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge