

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8239 of 2016

Bahadur S/o Harihar Sahni Aged About 45 Years R/o Village Chainpatti, Police Station Tareya Sujan, Tehsil Tamkuhiraj, District Kusinagar, Uttar Pradesh. At Present R/o Village Sambalpur, Police Station Nandghat, District Bemetara, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Nandghat, District Bemetara, Chhattisgarh.

---- Respondent

For Applicant	:	Shri P.P. Sahu, Advocate
For Respondent/State	:	Shri Manish Nigam, Panel Lawyer

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

Order On Board

02/01/2017

Heard.

1. The applicant has been arrested in connection with Crime No. 389 of 2016 registered in Police Station- Nandghat, District-Bemetara (C.G.) for the alleged commission of offence under Sections 363, 366, 376, 506, 368 read with Section 34 IPC and Section 4, 5 (/), 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the prosecutrix, a minor in age, was kidnapped and taken to different places by the co-accused and the allegation against the applicant is that when the prosecutrix was taken to Bilaspur, the applicant also accompanied other accused -Satyendra who had taken the prosecutrix to various places in Uttar Pradesh until she was recovered.
3. Learned counsel for the applicant submits that the applicant has not committed any offence. According to him, the main accused is Satyendra who had taken

the girl with him to different places. He further submits that there are no allegation of any overt act of committing any sexual assault or outraging modesty of the prosecutrix. Learned counsel for the applicant further submits that as the investigation is complete, charge sheet has been filed, the applicant may be released on bail.

4. On the other hand, learned counsel for the State has opposed the bail application. He submits that according to statement of the prosecutrix recorded under Section 164 Cr.P.C., the applicant also played a role to the extent that he accompanied the prosecutrix and the co-accused Satyendra from village Kura to Bilaspur. Therefore, the applicant is also involved in the alleged commission of offence and as the prosecutrix is a minor one, the applicant is also liable for criminal overt act.
5. Considering the submissions made by learned counsel for the parties, considering the extent of overt act alleged against the applicant and that there are no allegation of any sexual harassment or commission of any other offence of rape against the applicant and that investigation is complete and charge sheet has been filed and that the applicant is not likely to abscond or tamper with the prosecution witnesses, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.20,000/- 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