NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 349 of 2017

- Bhagwat Chauhan S/o Suresh Chauhan, Aged About 22 Years R/o Station Maroda, Bhilai, District- Durg Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through- Police Station- Supela, Bhilai, District- Durg Chhattisgarh.

---- Respondent

For Applicant : Mr. Tarun Dedsena, Advocate

For Respondent/State : Mrs. Sunita Jain, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

01-02-2017

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 7-12-2016 in connection with Crime No. 1129 of 2016, registered at Police Station Supela, Bhilai, District Durg (CG) for the offence punishable under Sections 363 and 366 of IPC.

2. As per prosecution case, on 7-12-2016 a report was made by father of the victim girl that his daughter was missing from 6-12-2016 and subsequently she was recovered on 7-12-2016. During investigation it revealed that the applicant enticed away the minor girl from lawful guardian-ship of her parents 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 applicant

and victim girl were in love relation, she wanted to marry the applicant and she of her own went along with the applicant 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 7-12-2016 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 statements of the victim girl recorded under sections 161 and 164 of the Cr.P.C., wherein she has stated that she wanted to stay with the applicant.

7. Taking into consideration the facts and circumstances of the case, and further considering the statements of the victim girl, without further observation on the merits of the case, I am 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 for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju