

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

**MCRC No. 329 of 2017**

- Goutam @ Budhsagar S/o Tej Ram, Aged About 26 Years Caste Uraon, R/o Village Kotchhal, Police Station And Tahsil Sitapur District Surguja Chhattisgarh

---- **Petitioner**

**Versus**

- The State Of Chhattisgarh Through S.H.O. Police Station Sitapur, District Surguja Chhattisgarh

---- **Respondent**

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For Applicant : Mr. A.K. Prasad, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**13-02-2017**

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 28-11-2016 in connection with Crime No. 187 of 2016, registered at Police Station Sitapur, District Surguja (CG) (CG) for the offence punishable under Sections 363 and 366 of IPC.
2. Case of the prosecution, in brief, is that on 24-12-2016 a report was made by the father of the prosecutrix that the applicant along with other co-accused Sanjay had enticed away his minor daughter from lawful guardian-ship of her parents on assurance for providing job to her at Sundergarh (Odisha). It is alleged that present applicant helped other co-accused in taking away the prosecutrix 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 and no direct

allegations have been attributed to the present applicant. Only it is alleged that the applicant aided the other co-accused to take away the prosecutrix from lawful guardianship of her parents. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 28-11-2016 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 other documents.
6. Perused the statement of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.Cr..
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of the prosecutrix, 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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-  
**(Goutam Bhaduri)**  
Judge

Raju

