

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 884 of 2017

- Anil Prajapati S/o Nandu Prajapati Aged About 19 Years R/o Village Bakaspur, Police Station- Rajpur District Balrampur, Chhattisgarh.

---- **Petitioner**

Versus

- State of Chhattisgarh Through Police Station Sitapur, District-Surguja, Chhattisgarh.

---- **Respondent**

For Applicant : Mr. Rakesh Kumar Jha, Advocate

For Respondent/State : Mr. Anil S. Pandey, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

27-02-2017

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 8-11-2016 in connection with Crime No. 204 of 2016, registered at Police Station Sitapur, District Surguja (CG) for the offence punishable under Sections 363, 366 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by the complainant Ram Bharos, father of the victim girl that his daughter was missing from 7-11-2016, she has been enticed by the applicant on the pretext of marriage and she was taken away by the applicant from lawful custody of her parents. Subsequently, from the possession of the present applicant victim girl was recovered 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 victim girl was in love relation with the present applicant which is evident from

the statements of the victim girl recorded under Sections 161 and 164 of the Cr.P.C. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 8-11-2016 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 statements of the victim girl recorded under Sections 161 and 164 of the Cr.P.C.
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. He shall also appear before the trial Court as and when directed.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju