

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4094 of 2017**

Mohanlal Naurange S/o Shri Maniram Naurange, Aged About 57 Years
Occupation Labour, R/o Village Singhara, Police Station Malkharauda,
District Janjgir Champa, Presently R/o Kushmul, Police Station
Malkharauda, District Janjgir Champa, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh through the Officer in Charge Of Police Station
City Kotwali Raigarh, District Raigarh, Chhattisgarh.

---- Respondent

For applicant	Mr. Roop Naik, Adv.
For Respondent/State	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Chandra Bhushan Bajpai**Order On Board****18-8-2017**

1. Learned counsel for the respondent/State again prays for time as case diary is not available.
2. The prayer is objected by the learned counsel for the applicant.
3. On 9-8-2017, this Court observed that if case diary is not available on the next date of hearing, the matter will be heard on the basis of the copy of complete case diary if made available by learned counsel for the applicant. With this, prayer of the respondent/State for adjournment is denied. The matter is heard finally on the basis of the copy of case diary produced by learned counsel for the applicant.
4. Learned counsel for the applicant submits that the applicant is arrested 13-3-2017 in connection with Crime No. 684/2016 registered in PS City Kotwali, Raigarh, Distt. Raigarh for offence punishable under Section 363 and 365 of the Indian Penal Code, 1860. He submits that after investigation charge sheet has been

filed and the same is pending before the CJM Raigarh as Criminal Case no. 166/2017. He submits that the applicant was working as labour in Sultan Hotel owned by one Sultan Khan. Minor Laxmi Narayan Chouhan was also working in the said hotel. The owner of the hotel, the person placed at Haryana are not made accused. As per argument, the minor went to Haryana for better earnings as labourer. The recovery panchnama prepared by the police is false. The minor was recovered from Raigarh only and on perusal of statement of father of the minor and the minor Laxmi Narayan Chauhan, it appears that the applicant is falsely implicated hence instant MCRC may be allowed and the applicant may be enlarged on bail.

5. Perused the recovery panchnama, statement of the minor and his father recorded under Section 167 of the Cr.P.C. and other material.
6. From perusal of the entire matter collected against the applicant, prima facie in addition to Section 363 and 365 of the IPC, ingredients of Section 370 sub-section (4) of the IPC are also attracted. Looking to the material collected and the allegation levelled against the applicant, I am not inclined to grant bail to the applicant. Consequently, instant mcrc is dismissed.

Sd/-
(Chandra Bhushan Bajpai)
Judge