

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4876 of 2017**

Dipak Pal S/o Dilip Pal, Aged About 40 Years By Caste Bangali, R/o Village Khamhari Pada, Tahsil + Thana Sundargarh, District Sundargarh, (Orisha).

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Tapkara, District Jashpur (Chhattisgarh).

---- Respondent

For applicant	Mr. Manoj Chauhan, Adv.
For Respondent/State	Mr. Anil Pandey, Dy. Govt. Adv.

Hon'ble Shri Justice Sharad Kumar Gupta**Order On Board****3-11-2017**

1. This is first bail application under Section 439 of the Cr.P.C. preferred by the applicant before this Court and no bail application is pending before any other court.
2. Perused the copy of the case diary produced by counsel for the State in connection with Crime No. 44/2017 registered in police station Tapkara Distt. Jashpur (CG) for offence punishable under Section 363, 370, 374 of the IPC and also heard counsel for the parties.
3. Prosecution story in brief is that the complainant was 15 years old and resident of village Korchikani. On 1-5-2017, Ku. Rina Naik enticed her on the pretext of providing job and good salary and drove her. She handed over her to one Karamjit Pal alias Sontu Pal. He took her to Delhi on the pretext of providing job and left her to Sameer who is owner of Ganesh placement. She was working domestic work in houses at Mumbai and Delhi. When she fell sick, after treatment she was compelled to go to Bombay which she refused. Thereafter the applicant Dipak Pal who is the father of Sontupal came Delhi and told that her parents are searching for her and when she was being taken

back from Delhi to her house, the police officers caught hold them at Jharsuguda railway station.

4. As per statement of complainant under Section 164 of the Cr.P.C. the applicant was taking her back to her house.
5. The applicant is in custody since 15-6-2017.
6. Counsel for the applicant argued that the applicant is innocent and falsely implicated hence he be released on bail.
7. On the other hand, the Panel Lawyer appearing for the State opposed the bail application.
8. Looking to the above facts and circumstances of the case, looking to the facts that there is no likelihood of the accused to abscond and tamper the evidence, trial will take its own time, applicant is in custody since 15-6-2017, this Court is inclined to give benefit of Section 439 of the Cr.P.C. to the applicant. Consequently, the application is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs. 20,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned with the condition that he will appear before the concerned trial Court at 11 AM as and when directed till trial, he be released on bail.
9. CC as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge