

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5404 of 2017**

- Mohan Lal @ Sonu S/o Gaya Prasad Basor, Aged About 21 Years, R/o Village Lohasra, Thana- Bijuri, District- Anuppur, Madhya Pradesh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through Police Station Manendragarh, District- Koriya, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri Parag Kotecha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

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**Hon'ble Shri Justice Chandra Bhushan Bajpai**

**Order on Board**

**06-09-2017**

1. Heard the matter finally.
2. Learned counsel for the applicant would submit that the applicant held arrested in connection with Crime No.142/2017 on 04-05-2017 by P.S. Manendragarh, District- Koriya, Chhattisgarh for the offence under Section 363, 366 of the IPC. After investigation police had filed the charge sheet, which is registered as Criminal Case No.257/17 before the JMFC Manendragarh, C.G. Learned counsel for the applicant do not know whether the matter is committed to the Court of Sessions or yet pending for committal. Learned counsel for the applicant would further submit that he is first offender, he will not commit any offence in future and as per the allegation, he has kidnapped the prosecutrix aged about 17 years without lawful consent of her parents, but as per the facts surfaced there is no any material that the said kidnapping was with intent that the prosecutrix will be compelled to marry with the applicant or she may be forced or seduced to illicit intercourse. As per the facts of the case, he has taken the prosecutrix along with him and both were roaming the places for 2 days and ultimately the prosecutrix was rerecorded

from the possession of the applicant from the railway station of Anuppur, M.P. He may be granted bail during trial.

3. Per contra, learned counsel for the non-applicant/State opposed the argument advanced on behalf of the applicant on the basis of the facts surfaced, though fairly conceded that there is no any earlier criminal antecedent of the applicant.

4. Perused the entire material.

5. As the applicant is in custody since 4 months and 2 days till date, charge sheet has been filed, the applicant is aged about 21 years, no any criminal antecedent is reported against the applicant, and on perusal of the statement of the prosecutrix under Section 161 and Section 164 of the Cr.P.C., there is no any material to compel the prosecutrix for marriage and also no material to compel her for illicit intercourse, on the other hand, it is stated that the applicant not committed anything with the prosecutrix except to take her and to keep her in his company for two days only, I am inclined to grant one opportunity to the applicant so that he shall not involve himself in any offence and shall live peacefully in society. Consequently, the instant MCRC is hereby allowed. The applicant is directed to be released on bail on his furnishing a personal bond in the sum of Rs.30,000/- with one solvent surety of the like sum to the satisfaction of the committal Court/trial Court, as the case may be, for his appearance before the said Court as and when directed till trial.

6. It is made clear that this order granting bail to the applicant shall stand cancelled automatically without reference to the Bench by the Court below if (i) the trial Court finds that the applicant suppressed filing or pendency of any other application for grant of bail before this Court or the Hon'ble Apex Court intentionally; (ii) the applicant does not cooperate in the trial; (iii) the applicant is found to be involved in any offence of the like nature; and (iv) the trial Court finds that the applicant remains absent without any sufficient and cogent

reason. If bail is cancelled automatically in view of above, the Court below may proceed further under the provisions of law under intimation.

7. In addition, the applicant is directed not to communicate/contact in any of the manner with the prosecutrix, her family members and the witnesses cited in the charge sheet or attempt to ask for any favour in the trial. If so, the prosecutrix, her family members and the witnesses may report the said act to the trial Judge and if the trial Judge finds that in any way the applicant gave pressure or any attempt for any illegal favour in the trial or otherwise directly or indirectly, the bail granted to the applicant shall be cancelled without further reference to the Bench and the concerned trial Court shall take the applicant in custody including other measures as provided under the law.

8. Certified copy as per rules.

Sd/-  
**(Chandra Bhushan Bajpai)**  
Judge