

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5521 of 2017

1. Devilal S/o Ramkumar Patel, Aged About 24 Years R/o Village Tumakala, Police Station Dhamdha, Tahsil Dhamdha, District Durg Chhattisgarh.
2. Dharmendra, S/o Vishnupratap Patel, R/o Village Tumakala, Police Station Dhamdha, Tahsil Dhamdha, District Durg Chhattisgarh.
3. Mohan, S/o Umashankar Verma, Aged About 30 Years R/o Dhaniya, Police Station Bori, Tahsil Dhamdha, District Durg Chhattisgarh.

---- Petitioners

Versus

- State Of Chhattisgarh Through Police Station Sahaspur Lohara, District Kabirdham Chhattisgarh.

---- Respondent

For Applicants No.1 & 2	:	Shri Manoj Paranjpe, Advocate
For Applicants No.3	:	Shri VG Tamaskar, Advocate
For Respondent/State	:	Shri Avinash Singh, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

23/11/2017

Heard.

2. The applicants have moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.164/2017 registered at Police Station Sahaspur Lohara, District Kabirdham for the offence punishable under Section 363, 366, 506, 354 read with Section 34 of IPC and Section 8 & 12 of Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicants kidnapped a minor girl and she was kept in the vehicle and it is alleged that in the vehicle, modesty of the minor was outraged.

4. Learned counsel for the applicant submitted that the applicants have been falsely implicated and they have not committed any such offence. He further submits that the minor girl had an affair with the applicant and she had voluntarily gone along with the applicants, later on, when she was recovered, false case has been prepared.

It is further submitted that the investigation is complete, charge sheet has been filed. Relying upon the judgment of Supreme Court in the case of ***Arnesh Kumar vs. State of Bihar and another, 2014 Cr.L.J. 3707***, it is submitted that the offence is triable by the Magistrate First Class, therefore, the applicant may be granted bail.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the prosecutrix, in her statement recorded under Section 164 Cr.P.C., has made allegations that the applicants outraged the modesty of the prosecutrix.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegation and the fact that the present is a case of commission of offence under Section 354 of IPC against a minor girl, I am not inclined to grant bail to the applicant.

7. Accordingly, the application is rejected.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E