

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 6705 OF 2017

Idrish S/o Sheikh Ulfat Miyan, aged about 60 years, occupation Agriculturist R/o Village Mali, Palganjhiya, PS Mufsil, Godda, District Godda (Jharkhand).

... Applicant

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Lakhanpur, Distt. Surguja (CG).

... Respondent

For Applicant	:	Smt. Hamida Siddique, Advocate.
For Respondent-State	:	Ms.M. Asha, Panel Lawyer.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

05/12/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 28.09.2017 in connection with Crime No. 105 of 2017 registered at Police Station Lakhanpur, Distt. Surguja, for the offence punishable under Sections 363, 366, 366(A), 376 and 368 IPC and Sections 4,5,6 and 17 of POCSO Act.
2. As per prosecution case, the allegation against the applicant is that he is said to have assisted co-accused i.e. Adil S/o Md. Aslam in abducting the prosecutrix and keeping her in the house of Adil knowing fully well that she was minor.
3. Learned Counsel for the applicant submits that the only allegation against the applicant is that of having signed some document as witness in respect of marriage which was being performed between Adil and the prosecutrix. It is a case where there was love affair between the co-accused and the prosecutrix and that they eloped voluntarily from their house and had travelled to different places and

ultimately reached to Godda from where they were recovered. There is no role whatsoever played by the applicant and even as far as the allegation of signing of document also has not been established from the document which have been collected during the course of investigation, and therefore, the present applicant may be released on bail.

4. Counsel for the State opposes the bail application on the ground that the prosecutrix in the instant case was a minor and the nature of allegation being serious.
5. Considering the facts and circumstances of the case particularly taking into consideration the nature of allegation levelled and also taking note of the period of custody undergone by the applicant, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge