

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 410 of 2018**

Sonu @ Durgesh Vishwakarma, S/o. Ashok Kumar Vishwakarma, Aged About 22 Years, R/o. House No. 889, Amraiypara, Ward No. 12, Korba, Tehsil and District -Korba, Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Station House Officer, Police Station -Manikpur, Kotwali, Korba, District Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Rohit Sharma, Advocate

For State/respondent : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**22/03/2018**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.361/2017, registered at Police Station – Manikpur, Kotwali, District – Korba (C.G.), for the offence punishable under Section 363 of the Indian Penal Code and Section 8 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. According to the statement given by the victim in the case under Section 161 and 164 of Cr.P.C., no case is made out against this applicant. Applicant is in jail since 04.12.2017. Therefore, it is prayed that the applicant may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted

that prosecutrix in this case was minor on the date of incident, hence, it is clear case of abduction and no case is made out for grant of bail.

4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case on 27.05.2017, the applicant abducted the minor prosecutrix and took her to Rourkela. After lodging of missing report, victim was recovered from the custody of this applicant on 01.06.2017 subsequent to that FIR was lodged against this applicant.
6. Considered on the submission made and the contents of the case diary and also perused the statement of the victim recorded under Section 161 and 164 of Cr.P.C., and from this statement, the argument submitted on behalf of the applicant finds some support, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge