

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 912 of 2018

Suraj Ram Yadav S/o Budhram, Aged About 21 Years Occupation Labour, R/o Village Sunderpur Patelpara P.S. Ambikapur District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station Ambikapur (Chowki Manipur) District Surguja Chhattisgarh, District : Surguja (Ambikapur), Chhattisgarh

---- Respondent

For Applicant : Shri Jitendra Shrivastava, Advocate

For Respondent/State : Shri Chandresh Shrivastava, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/04/2018

Heard.

1. The applicant has been arrested in connection with Crime No.25 of 2018 registered in Police Station- Ambikapur (Chowki Manipur) District- Surguja for the alleged commission of offence under Sections 363 & 366 IPC.
2. Case of the prosecution, in brief, is that the applicant kidnapped the prosecutrix and it is alleged that the kidnap was to compel her to marry the applicant. The prosecutrix is stated to be a minor in age.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated. The prosecutrix has given her statement before the Magistrate which is recorded under Section 164 Cr.P.C. in which she has not at all involved the applicant and on the contrary, she stated that she had gone to the house of her friend and thereafter came back to home and she was not kidnapped by anybody. The applicant is in jail since 13.1.2018, charge sheet has been filed

and that the applicant is not likely to abscond or tamper with the prosecution witnesses, therefore, he may be enlarged on bail.

4. On the other hand, learned counsel for the State opposed the application and submits that in the FIR, it has been stated that the prosecutrix, a minor, was kidnapped and in 161 Cr.P.C. statement of the prosecutrix, it has come that the applicant was standing near the house of the prosecutrix. Therefore, a prima facie case is made out against the applicant.
5. Having considered the submissions made by learned counsel for the parties, particularly taking into consideration the statement of the prosecutrix recorded by the Magistrate under Section 164 Cr.P.C. in which she has not made any specific allegation against the applicant and further considering that the investigation is complete, charge sheet has been filed, the applicant is not a habitual offender and that he is not likely to abscond or tamper with the prosecution witnesses, I am inclined to allow the application.
6. The application is accordingly allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with two local sureties for the like amount to the satisfaction of the concerned trial Court with following further conditions:
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge