

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 6905 of 2017**

Tarun Kumar Sonkar, S/o. Punaram Sonkar, Aged About 22 Years, R/o. Ganesh Chowk, Kumhari, Ward No. 2, Police Station -Kumhari, District Durg, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station -Kumhari, District -Durg, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Anil Tripathi, Advocate
For Respondent/State	: Mr. Neeraj Mehta, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/01/2018**

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.207/2017, registered at Police Station – Kumhari, District – Durg (C.G.) for the offence punishable under Section 363, 366 of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case and a delayed FIR has been lodged against the applicant. It is further submitted that the age of the prosecutrix in this case is above 18 years and she had accompanied the applicant on her own free will, hence, no case of

abduction is made out as alleged. It is prayed that the applicant is in jail since 17.09.2017 and he is ready to abide by all the conditions imposed while granting bail, therefore, it is prayed that the applicant be benefited with grant of regular bail.

3. On the other hand, learned counsel for the State opposes the bail applications and the submissions made in this respect. It is submitted that the age of the prosecutrix on the date of incident had been 17 years as per the admission register of the school, the applicant had allured the prosecutrix on false pretext of marriage and abducted her from the custody of legal guardian, hence, the offence is clearly made out, therefore, he is not entitled to be released on regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The facts of the case are these that applicant allured the prosecutrix on the pretext of marriage and abducted her, when the prosecutrix was in the custody of the applicant, she was recovered, later on a FIR was lodged by the mother of the prosecutrix on the basis of which, the case has been registered.
6. Considered the submissions made and the contents of the case diary. Taking into consideration this fact that the applicant is local resident, his availability before the trial Court can be ensured and as informed, the charge-sheet in this case has been filed, no purpose would be served, if the, applicant is kept in detention till the conclusion of trial, hence for these reasons, 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