

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 1690 of 2018**

Chaituram Ladiya S/o Krishna Ram Ladiya Aged About 48 Years R/o-
Village- Daanitola, Police Station- Balod, District- Balod, Chhattisgarh.,
District : Balod, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Station House Officer, Police Station-
Bhanupratappur, District- Kanker, Chhattisgarh., District : Kanker,
Chhattisgarh.

---- Respondent

For the Applicant : Shri Sandeep Yadav, Advocate.
For the Respondent/State : Shri Vinod Tekam, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****24.04.2018**

Heard.

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.157 of 2017, registered at Police Station Bhanupratappur, District – Kanker, Chhattisgarh for the offence punishable under Sections 363, 366-A, 376/ 34 and 344 of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 3.2.2018 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the

Court by the prosecution. The main allegation is that the prosecutrix was recovered from the house of the applicant alongwith co-accused Anil Kumar Ladiya. At the most, the offence made out against the applicant is only of wrongful confinement, which is a bailable offence. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. According to the prosecution case, the minor prosecutrix aged about 17 years and 4 months went missing on 7.9.2017. A missing report was lodged by father of the prosecutrix on 16.9.2017 and thereafter, she was recovered from the custody of the co-accused on 7.11.2017. The allegation against this applicant is that he allowed the co-accused and the prosecutrix to take shelter in his house. Hence, this case.

6. Considered the entire material present in the case-diary and the trial of the case is likely to take sometime for its conclusion, I am of the considered view that no purpose would be served if the applicant is kept in detention for the whole period of trial. Hence, this application deserves to be allowed.

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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge