

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2169 of 2018**

Deepak Mahant S/o Shri A.D. Mahant Aged About 24 Years R/o- Devrikhurd,
Near Atal Awas, Of Next Gyansagar, District- Bilaspur, Chhattisgarh., District
: Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through- Police Station Torwa, District- Bilaspur,
Chhattisgarh., District : Bilaspur, Chhattisgarh.

---- Respondent

For the Applicant : Shri Mateen Siddiqui, Advocate.
For the Respondent/State : Shri Anupam Dubey, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.05.2018**

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.70 of 2018, registered at Police Station – Torwa, District Bilaspur, Chhattisgarh for the offence punishable under Sections 363 and 366 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 26.2.2018 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The victim has been examined herself under

Section 164 of the Cr.P.C., which clearly shows that she had willingly accompanied this applicant to a place where both of them stayed for one night and no sexual act took place during the night, hence, no offence has been committed. 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. It is submitted that the victim in this case is aged about 15 years. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, this applicant abducted the minor victim by alluring her with a false promise to marry her. After lodging of missing report, the minor victim has appeared before the police and given her statement. Hence, this case.

6. Considered on the material present in the case-diary, specifically perused the statement of the victim under Section 164 of the Cr.P.C. and after due consideration, I am of the considered opinion that the applicant deserves to be released on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi