

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2851 of 2018**

Vivek Gadpayle, S/o Milind Gadpayle, [“Godpayle”) as mentioned in the cause title of impugned order] Aged About 23 Years, R/o- Shastri Ward, Near Mazdoor Bhawan, Patel Chowk, Gondia, District- Gondia (Maharashtra), District : Gondiya - (Maharashtra)

---- Applicant

Versus

State of Chhattisgarh, Through- P.S. Dongargarh, Civil And Revenue District- Rajnandgaon, Chhattisgarh

---Respondent

For applicant : Shri Keshav Dewangan, Advocate.

For resp./State : Shri U.N.S. Deo, G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board**25/05/2018**

1. This is the first bail application preferred under Section 439 of the Cr.P.C. in connection with Crime No. 470/2017 registered at Police Station Dongargarh, Distt. Rajnandgaon (C.G.) for the offence punishable under Sections 363, 366 & 376 of the IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012. The applicant is in jail since 02/12/2017.

2. The allegation against the present applicant is that he is said to have knowingly taken the prosecutrix, who is a minor girl, away from her legal guardianship on 26-11-2017 to different places till she was recovered from Sambalpur (Odisha) on 30-11-2017.

3. Learned Counsel appearing for the applicant submits that the present is a case in which in the complaint lodged by the father of the prosecutrix, name of the present applicant is not mentioned. He has falsely been implicated in the case. He is in custody since 2.12.2017. Therefore, he may be released on bail.

4. Learned Counsel appearing for the State opposes the bail application. He submits that the prosecutrix in her statements under Sections 161 and 164 of the Code of Criminal Procedure has taken the name of the applicant and has stated against him that he took her to different places on his motorbike. Therefore, the applicant does not deserve to be released on bail.

5. Considering the facts and circumstances of the case, particularly, taking note of the fact that the prosecutrix was a minor girl on the date of incident, I am not inclined to extend the benefit of bail to the applicant.

6. Accordingly, the bail application is rejected.

Sd/-
(P. Sam Koshy)
Vacation Judge