

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3566 of 2018**

- Rajkumar, S/o Raghunandan Prasad, aged about 23 years, R/o Village Sarma, P.S. Pasan, District Korba (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through : the Station House Officer, Police Station Khadgawa, District Koriya (C.G.)

---- Respondent

For Applicant	:	Shri Aman Kesharwani, Advocate.
For Respondents/State	:	Shri V.B.Singh, P.L.

Hon'ble Shri Justice Sanjay Agrawal**Order On Board****04.07.2018**

1. The applicant has preferred this application under Section 439 of the Cr.P.C. for grant of regular bail as he has been arrested on 24.11.2017 in connection with Crime No. 212/2017 registered in Police Station Khadgawan, District Bemetara (C.G.) for the offence punishable under Section 363 & 365 IPC.
2. Case of the prosecution is that on 23.11.2017 at about 10.00 AM, the complainant Dev Singh had gone to his field along with his wife for cultivating the land and his children were playing at home. At the relevant time, the complainant's mother informed the complainant at about 2.00 PM that his son Suraj, aged about 3 years, has been found missing. Based on the said information, a search was made by the complainant and he came to know from other vicinities that his son was taking breakfast with the applicant Rajkumar. Upon knowing the said fact, the complainant has lodged first information report

against the applicant under Sections 363 & 365 IPC.

3. Shri Aman Kesharwani, learned counsel for the applicant submits that the applicant has been falsely implicated in connection with the said crime. According to him, the applicant used to visit the said village Fungawan very often as his sisters reside in the said village. It is submitted further by him that though the child was recovered from him but the said child was not at all abducted by him, as alleged by the prosecution.

4. On the other hand, Shri V.B. Singh, learned Panel Lawyer for the State opposes the bail application.

5. I have heard learned counsel for the parties.

6. Having considered the facts and circumstances of the case that by taking into consideration the fact that the applicant often used to visit his sisters, who are the residents of the said village Fungawan and since the child was recovered on the same day and there was no previous enmity existed between the applicant and the complainant, I am inclined to enlarge the applicant on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed. It is directed that on furnishing a personal bond in the sum of Rs.25,000/- with one surety in like sum to the satisfaction of the concerned trial Court for his appearance before it as and when directed, the applicant shall be released on bail.

Sd/-
(Sanjay Agrawal)
Judge