

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRCA No.561 of 2017

- Trishul Kushwaha S/o Shri Shivilal Kushwaha Aged About 18 Years R/o Village Silphili, Police Station Jainagar, District Surajpur, Chhattisgarh., Chhattisgarh

---- Petitioner

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Baikunthpur, District Korea Chhattisgarh., Chhattisgarh

--- Respondent

Shri Shakti Raj Sinha, counsel for applicant.
Shri S. Majid Ali, Dy.GA for State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

02/02/2018

Heard.

2. The applicant has preferred this application under Section 438 of Cr.P.C., apprehending his arrest in connection with Crime No.73/2016, registered at Police Station–Baikunthpur, District Korea for alleged commission of offence under Sections 364, 368 of IPC.

3. Case of the prosecution is that one Laxmi Singh is said to be having living relations with the present applicant and later on, it was found that the girl is missing.

4. Learned counsel for the applicant submits that the applicant has been falsely implicated only on the ground that the prosecutrix is missing or fled away with anyone. Learned counsel for the applicant submits that in fact, report was lodged in the police station by one Rahul Singh, S/o Vijay Singh, who is cousin of the missing girl-Laxmi. He further submits that only on suspicion that, it is not that Rahul Singh S/o Vijay Singh, cousin of the missing girl, but the present applicant is being harassed.

5. On the other hand, learned State counsel opposed the prayer for grant of

bail by submitting that grand mother of the missing girl-Laxmi Singh has lodged a report that the applicant declaring his name as Rahul Singh, had come in contact with the granddaughter-Laxmi and developed relations and started living together. In order to save family from social stigma, a small get together was held in the village to recognize this relationship. However, the applicant time and again used to come and take the prosecutrix away for ride. It has been stated in the written report lodged by Kadam Kunwar, that on 27-06-2016, said Rahul Singh had taken Laxmi Singh along with him in the motorcycle to nearby waterfall and thereafter, Laxmi Singh is missing and not traceable. He further submits that the allegation is that the present applicant is a habitual offender and the allegations are that he in the fake name of Rahul Singh, had developed relations with Laxmi Singh and therefore, the applicant is a person, against whom, investigation is necessary and he is required to be taken into custody for the purpose of identification by the grandmother and other relatives of the village in order to find out the details of the present applicant.

6. Taking into consideration the submission of learned counsel for the parties, upon perusal of the case diary and the nature of allegation against the present applicant and the fact that Laxmi Singh, is still missing and not recovered, I am not inclined to grant anticipatory bail to the applicant.

7. Accordingly, the application is rejected.

SD/-
(Manindra Mohan Shrivastava)
Judge