

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 6392 of 2017

- Manoj @ Anand S/o Paras Ram Aged About 21 Years R/o Village Hanumangarh, Police Station Ramanujnagar, District Surajpur Chhattisgarh. , Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Station House Officer Police Station Ramanujnagar District Surajpur Chhattisgarh. , Chhattisgarh.

---- Respondent

For the Applicant : Shri Anil Gulati, Advocate.

For the Respondent/State : Shri Anant Bajpari, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15.01.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 21/2017 registered at Police Station – Ramanujnagar,

District – Surajpur (C.G), for the offences under Sections 363 and 366 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 02.07.2017. The mother of the prosecutrix lodged FIR alleging that the applicant abducted her minor daughter on the pretext of marriage. The age of the prosecutrix is above 18 years, she willingly went with the applicant and both have performed marriage and were living peaceful life. It is further submitted that the prosecutrix has been examined before the trial Court and she has not supported the case of prosecution, therefore, it is prayed that the applicant may be enlarged on bail.
3. Learned counsel for the State opposes the bail application and submits that the applicant had been minor on the date of incident, hence, any consent given by the prosecutrix is immaterial and the case is made out against the applicant, therefore, the applicant is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. The case against the applicant is this that the applicant allured the prosecutrix by promise to marry her and abducted her from her lawful guardianship and then kept her in various places until she was recovered from the custody of the applicant.
6. Considering the submissions made by learned counsel, contents of the case diary and looking to the facts of this case, I am of the view that it is a fit case where the applicant should be granted bail.

7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Jamal