

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 7605 of 2017

- Sonaru Nag S/o Sukdev Nag Aged About 28 Years R/o Village Malviya Padar Thothapara Police Station Darbha District Bastar Chhattisgarh, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through The Police Station Schedule Caste And Schedule Tribe District Bastar Chhattisgarh. , Chhattisgarh

---- Respondent

For the Applicant : Shri P. K. Tulsyan, Advocate.

For the Respondent/State : Shri N.K.Mehta, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

30.01.2018.

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.5/2015, registered at Police Station – Scheduled Caste

and Scheduled Tribe, District – Bastar, (C.G), for the offences under Sections 363, 366, 366 (A) of the Indian Penal Code and U/s. 3(2) (V) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 04.09.2017. The victim in this case has stated in her statement under Section 164 of Cr.P.C that no offence has been committed by the present applicant. The statement of the victim is the part of the charge-sheet as well as case diary, hence, it is prayed that the applicant may be enlarged on bail.
3. Leaned counsel for the State opposes the bail application and submits, that mother of the prosecutrix and other witnesses have clearly stated that the applicant is a person who abducted the victim, therefore, he is not entitled for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. On 03.08.2015 the mother of the victim lodged FIR against the applicant and another for abduction her daughter. The victim was recovered on 13.02.2017, when she herself turned up before the police authorities and her statement under Section 164 of Cr.P.C was recorded.
6. Considered on the submissions and contents of the case diary, perusal the statement of the victim under Section 164 of Cr.P.C, after over all consideration and looking to the facts and circumstances of this case, I am of the view that it is a fit case where the applicant is entitled for grant of 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