

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7910 of 2017

- Mohit Dhanwani S/o Harish Kumar Dhanwani, aged about 21 years, R/o Sai Nagar, Atal Awas, C-08, Sankari Police Station -Chakarbhatha Distt. Bilaspur (C.G.)

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Civil Lines, distt. Raipur (C.G.)

---- Respondent

_For Applicant :Mr. Lav Sharma, Advocate.

For Respondent :Mr. Washim Miyan, Panel Lawyer.

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. 465/2017, registered at Police Station- Civil Lines, District – Raipur (C.G.) for the offence punishable under Section 363, 366, 376 of IPC and 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has falsely been implicated in this case. The prosecutrix and the applicant had a love affair between them, because of which the prosecutrix willingly accompanied the applicant and stayed with him at Katni (M.P.) and Bilaspur till the date when she was recovered by the police. The prosecutrix in this case is major girl, aged 18 years and the FIR was lodged by the father of the prosecutrix. Applicant is in jail since 19.08.2017. Hence, it is prayed that applicant be

enlarged on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that according to the entries of the School Register, the date of birth of the prosecutrix is 03.09.2000, hence she was minor on the date of the offence and therefore, applicant is not entitled to be released on bail.
4. Heard both the parties and perused the case diary.
5. On 17.07.2017, the prosecutrix left her house and on the same day i.e. 17.07.2017, father of the prosecutrix lodged a FIR against the unknown persons about abduction of his daughter. During the investigation the prosecutrix was recovered from the custody of the applicant on 18.07.2017 and thereafter the case has been registered. After completion of investigation charge sheet has been filed.
6. After careful perusal the statement recorded under Section 161 & 164 Cr.P.C. given by the prosecutrix and the argument advanced on behalf of the applicant seems to find support from it. Hence, over all facts and circumstances of the case, I am of this view that this is a fit case where the applicant should be released on regular 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 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

