

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C. No. 96 of 2018**

Shobhan Bada W/o Thaya Bada Aged About 25 Years R/o Village Kot Chhal, P. S. Sitapur District Sarguja Chhattisgarh.

**---- Applicant****Versus**

State Of Chhattisgarh Through Station House Officer P. S. Sitapur District Sarguja Chhattisgarh.

**---- Respondent**

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For the Applicant : Shri Sandeep Dubey, Advocate.  
For the Respondent/State : Shri Vivek Singhal, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant****ORDER****09.03.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.139 of 2016, registered at Police Station – Sitapur, District - Sarguja, Chhattisgarh for the offence punishable under Sections 363, 366 and 370/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.8.2016 and he has been falsely implicated in this case. No case is made out against the applicant according to the statement given by the victim in this case under Section 161 of the Cr.P.C. as she has not identified this applicant and has not made any allegation against this applicant. The applicant is a local resident of District Surguja and he is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. Victim – Manisha Kispotta was allured by co-accused – Geeta Ekka that he can get placement with attractive salary in Delhi and getting allured, the prosecutrix accompanied this applicant, who took the victim alongwith him and kept in Madwahtaal. Father of the victim – Nirmal Kispotta lodged named FIR against this applicant and others. Subsequent to that, the victim was recovered from the custody of the co-accused – Geeta Ekka. Thereafter, the case has been investigated and the charge-sheet has been filed.

6. Perused the case-diary and also perused the statement of the victim – Manisha Kispotta under Section 164 of the Cr.P.C. As in her statement before the concerned Court during the trial she has turned hostile and has not supported the case of the prosecution and hence, looking to the development of things, I am of the considered view that the applicant deserves to be released on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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

Nimmi