

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8209 of 2018

Naresh Chelak S/o Kashiram Chelak @ Munna Aged About 23 Years R/o
Village- Umariya, Chowki- Saket, Police Station- Pathariya, District-
Mungeli, Chhattisgarh., District : Mungeli, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Police Station- Pathariya, District- Mungeli,
Chhattisgarh., District : Mungeli, Chhattisgarh

---- Respondent

For Applicant : Mr. Suresh Verma, Advocate
For Respondent : Mr. Ravindra Agrawal Govt. Advocate

Hon'ble Smt. Justice Vimla Singh Kapoor.

Order On Board

17/12/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of bail to the applicant who has been arrested in connection with Crime No. 390/2016 registered at Police Station Pathariya District Mungeli, (C.G.) for the offence punishable under Sections 363,366,376 IPC and section 4 and 6 POSCO Act.
2. As per prosecution case, on 09.11.2016 complainant Sitaram lodged a missing report that his daughter was missing and on the basis of missing report, the applicant was arrested and the prosecutrix was recovered from him.
3. Learned counsel for the applicant submits that the prosecutrix has been examined before the Court below and she has not supported the case of the prosecution. He further submits that there is no

previous antecedents against the applicant and he is in jail since 18.06.2018, therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Considering the facts and circumstances of the case and the fact that the prosecutrix has not supported the case of the prosecution and further taking into the fact that the applicant is in jail since 18.06.2018, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. 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/-
(Vimla Singh Kapoor)
V. Judge

Santosh