

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4727 of 2019**

- Shambhu Jagat S/o Late Ramchand Jagat Aged About 32 Years R/o Village - Madgelmal, Post Office And Police Station - Devbhog, District – Gariyaband, Chhattisgarh.

---- Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station - Amlipadar, District – Gariyaband, Chhattisgarh.

---- Respondent

For Applicant	: Shri Shivendu Pandya, Advocate.
For Respondent/State	: Smt. Smita Ghai, Panel Lawyer.

Hon'ble Shri Justice Arvind Singh Chandel
Order On Board**14/08/2019**

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. for grant of regular bail as he is arrested in connection with crime No. 21/2019, registered at Police Station –Amlipadar, District- Gariyaband, (C.G.) for the offence punishable under Sections 457, 294, 323, 506/506(B), 366 and 342 of IPC.
2. In this case, prosecutrix is a married lady, aged about 29 years. As per prosecution story, on 25.04.2019, at around 2:00 (mid-night), present Applicant entered in the house of the prosecutrix when prosecutrix and other family members were sleeping in her house. Allegedly, present Applicant caught hold the prosecutrix and took her away by forcibly pressing her mouth. It is further alleged that present Applicant by showing blade, threatened the prosecutrix and kidnapped her. Thereafter, in the next morning, Applicant took prosecutrix in motorcycle to his sister's house situated in Orissa, from where prosecutrix was recovered by her family members from the possession of present Applicant. On the said background, report was made and offence has been registered. Applicant has been taken into

custody on 29.04.2019.

3. Learned Counsel appearing on behalf of the Applicant submits that the Applicant is innocent and has been falsely implicated in the case due to some previous dispute. He further states that if the case of the prosecution is taken as it is, it seems that prosecutrix was a consenting party and she herself had left her house on her own will. Whole story narrated by the prosecution seems to be unnatural and unreliable. The Applicant is in custody since 29.04.2019 and trial is likely to take some time. Therefore, he may be released on bail.
4. Per contra, learned Counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned Counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, the evidence collected by the prosecution and further considering the fact that the Applicant is in custody since 29.04.2019 and trial is likely to take some time, without further commenting on merits of the case, I am inclined to release him on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the Applicant shall be released on bail on executing a personal bond for a sum of Rs. 20,000/- with one solvent surety for the like amount to the satisfaction of the Trial Court for his appearance before the said Court as and when directed.

Sd/-
(Arvind Singh Chandel)
Judge