

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC(A) No. 1298 of 2019

- Jaykumar S/o Shri Shri Jagtaram Kurre Aged About 22 Years R/o Village - Dhothama, Thana - Jarhagaon, Civil and Revenue District - Mungeli Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Jarhagaon, Civil and Revenue District – Mungeli, Chhattisgarh.

---- Respondent

For Applicant : Shri Sunil Sahu, Advocate.

For Respondent/State : Shri Sushil Sahu, P.L.

Hon'ble Shri Justice Arvind Singh Chandel

Order On Board

18/11/2019

1. The applicant has preferred this first bail application under Section 438 of Cr.P.C. for apprehending arrest in connection with Crime No. 01/2016 registered at Police Station Jarhagaon, District – Mungeli, (C.G.). for the offence punishable under Sections 363 and 366 of IPC.
2. As per the prosecution story, on 01.01.2016 a missing report of a girl, aged about 15 years was made by her father stating that his daughter has been missing from the night of 05.12.2015. The said missing report is made on the basis of suspicion as present applicant is also missing from the night of 05.12.2015. It is alleged that present applicant had took her with him. On the basis of the said report,

offence has been registered.

3. Learned Counsel appearing for the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that *prima facie*, no case is made out against present Applicant. Also, no material is available on record on the basis of which it can be said that present applicant has instigated the girl to go with him. The present applicant has left his house for earning his livelihood. He further submits that F.I.R. has been lodged only on the basis of suspicion. Applicant has played no role in crime in question. Therefore, it is prayed that present applicant may be granted benefit of anticipatory bail.
4. Learned Counsel appearing for the State opposes the bail application.
5. I have heard learned Counsel appearing for the parties and perused the material available with due care.
6. Taking into consideration the submissions put-forth on behalf of the parties, further considering the facts and circumstances of the case and evidence collected by the prosecution, without further commenting on other merits of the case, I am inclined to extend the benefit of anticipatory bail to the present Applicant.
7. Accordingly, the bail application is allowed.
8. It is directed that in the event of arrest of the applicant in connection with the aforesaid crime, he shall be released on anticipatory bail on furnishing a personal bond in the sum of Rs. 20,000/- with one solvent surety for the like sum to the satisfaction of the Arresting Officer/Presiding Officer of the concerned trial Court. He shall also abide by all the following terms and conditions :
 - (i) He shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him from disclosing such fact to the Court,

- (ii) He shall not act in any manner which will be prejudicial to fair and expeditious trial, and
- (iii) He shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-
(Arvind Singh Chandel)
Judge

Prakash