

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2133 of 2020**

- Smt. Laxmi Sahani, Wife of Vijay Sahani, Aged about 26 years, R/o Sector 06, Sadak No. 23, Block No. 13, Bhilai, Tahsil & District Durg (C.G.)

---- Applicant**Versus**

- State Of Chhattisgarh, Through : Station House Officer, Police Station- Bhilai Nagar, District Durg (C.G.)

---- Respondent

For Applicant : Mr. Gautam Khetrapal, Advocate
appears on behalf of Mr. Avinash
Chand Sahu, Advocate.

For Respondent/State : Mr. Raghvendra Verma, G.A.

Hon'ble Smt. Justice Rajani Dubey**Order on Board****24/06/2020**

1. The accused/applicant has moved this second bail application under Section 439 of Criminal Procedure Code for releasing him on regular bail during trial in connection with Crime No. 284/2019 registered at Police Station- Bhilai Nagar, District- Durg (C.G.) for the offence punishable under Sections 363, 366-A, 506-II, 34 of IPC, 1860 and under Section 12 of the Protection of Children from Sexual Offences (POCSO) Act, 2012.
2. The prosecution story, in brief is that, on 11.08.2019 complainant Smt. Nisha Singh lodged the report that her daughter aged about 13 years is missing since 10.08.2019 and during investigation it is found that the present applicant has abducted her daughter with help of other co-accused thereafter on 14.08.2019 the daughter of the complainant was recovered and he stated that the present applicant abducted her and sent her with other co-accused in various

places, therefore, the above offence has registered against them.

3. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in the crime in question. He further submits that there are several omission and contradiction in the court statement of the victim and in her cross examination she has stated that she was not mentally and physically tortured by the present applicant. He next submits that the applicant is in jail since 23.08.2019, there is no likelihood of his case being decided in near future, therefore, the present appellant may be released on bail.
4. On the other hand, counsel for the State opposes the bail application submitting that the applicant did a very heinous crime, the applicant along with another co-accused person kidnapped the girl child. He next submits that the applicant on the pretext of vehicle and money abduct the girl, so, it is not a fit case to release him on bail.
5. I have heard learned counsel for the parties and perused the case diary.
6. Considering the facts and circumstances of the case, especially nature and gravity of crime in question, at this stage, I am not inclined to release him on bail.
7. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is rejected.

**Sd/-
(Rajani Dubey)
Judge**