

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4865 of 2020**

- Faganu Bhariya S/o Mohan Bhariya, Aged About 22 Years R/o Village- Girvar, Banjar Tola, Police Statioun Gourela, District- Gourela-Pendra-Marwahi, (C.G.)

----Applicant**Versus**

- State Of Chhattisgarh Through The Station House Officer, Police Station Gourela, District Gourela-Pendra-Marwahi, (C.G.)

---- Respondent

For Applicant/s	:	Mr. Yogendra Chaturvedi, Advocate.
For State	:	Mr. Alok Bakshi, Additional A.G.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****18/09/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.36/2020 registered at Police Station- Gourela, District- Gourela-Pendra-Marwahi, C.G. for the alleged commission of offence under Sections 363, 354, 365 & 506 of IPC and Sections 8 &12 of POCSO Act.
2. Prosecution case is that in the midnight of 03.05.2020, when prosecutrix came out of the house to respond to call of nature, applicant caught hold of her and abducted her and took her to another house and locked therein. Thereafter, she was taken to another place, catching hold of her with intention to outrage her modesty. Brother of the prosecutrix came in and the prosecutrix was rescued from the clutches of the applicant. It is stated that prosecutrix is minor in age.
3. Learned counsel for the applicant would argue that the prosecution case is false and fabricated and it is wholly improbable that the applicant would take the prosecutrix along with him without her consent. He would next submit that even according to the diary statement of the prosecutrix, except that she was taken to another place and kept there for some time, no specific overt act

towards outraging modesty has been stated.

4. On the other hand, learned State Counsel opposes and submits that the prosecutrix has clearly stated that in the mid night applicant abducted her and she was kept in a house in locked condition with intention to outraging her modesty.
5. Taking into consideration the submissions of learned counsel for the parties, particularly taking into consideration that the allegation is confined to abducting and keeping the prosecutrix in a house until she was rescued, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge