

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4315 of 2021

- Virendra Singroul S/o Maniram Singroul, Aged About 23 Years, R/o Village - Moch, Police Station and Tahsil Takhatpur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station Takhatpur, District Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Shri Arvind Shrivastava, Advocate.

For Non-applicant/State – Shri Alok Nigam, Govt. Advocate.

Shri Lavkush Kumar Sahu, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 09-06-2021 in connection with Crime No.55/2020 registered at P.S. - Takhatpur, District Bilaspur, Chhattisgarh for the offence under Section 363, 366 of the IPC and Section 12 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 09-06-2021. Although the prosecutrix went with applicant to Gurgaon and there she was residing with him, but later on, the prosecutrix herself has left the applicant and gone missing, regarding which a complaint was lodged by the applicant in P.S. Badshahpur, District Gurugram, Haryana on 07-12-2019. Therefore, the allegation against the applicant is totally false and baseless. Hence, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application

submitting that the prosecutrix was in custody of this applicant and she has suddenly went missing which raises serious doubt and it may be even a case of murder which requires investigation. Therefore, this applicant should not be granted bail.

4. Learned counsel for the complainant opposes the bail application and submits that the prosecutrix was constantly in contact with the complainant on mobile phone, but then all of sudden her mobile is not reachable as it is switched off. Therefore, the complainant has serious doubt that the applicant is the person who is responsible for the missing of prosecutrix. Hence, his application may be rejected.

5. Heard learned counsel for the parties and perused the case diary.

6. The case of the prosecution is this, that this applicant abducted the minor prosecutrix and was keeping her in his custody and then all of a sudden the prosecutrix has gone missing.

7. Considered on the submission. The facts in the case prior to the present incident is this, that this applicant abducted the minor prosecutrix and kept her in his custody and during that time he exploited her sexually because of which the prosecutrix became pregnant. Subsequent to that, the prosecutrix came back to the village and a village meeting was called, in which the prosecutrix was handed over to the father of the applicant. The prosecutrix was then handed over to the applicant who took her to Gurgaon and she was residing there. Subsequent to which, the present incident has occurred.

Taking into consideration the facts and circumstances that are present so far, I am of this view that the case of missing of prosecutrix requires investigation by the police, and detention of the applicant would not serve any purpose, therefore, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439

of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Aadil