

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C No.5242 of 2021**

Rihan Ali S/o Chhidda Ali Aged About 21 Years R/o Village Nayagaon Sirsa, Enayatpur, Katghar, District Muradabad Uttar Pradesh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Of Police Station Surajpur, District Surajpur Chhattisgarh

---- Non-Applicant

For Applicant:	Shri Anil Gulati, Advocate.
For Non-Applicant/State:	Ms. Shreshta Gupta, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya
Order on Board through Video Conference

01.09.2021

1. The Applicant has preferred this application under Section 439 of Cr.P.C. as he has been arrested in connection with Crime No.226/2021 registered at Police Station Surajpur, District Surajpur, C.G. for the offence punishable under Sections 363 and 366 of IPC.
2. Allegation against the present Applicant is that on 16.05.2021 at about 2.00 am, he eloped the prosecutrix, aged about 17 years and five months on the pretext of marriage. It is alleged that on the same day at about 16.15 hrs, the prosecutrix was recovered from the custody of the Applicant at bus stand, Ambikapur.
3. Learned Counsel for the Applicant submits that the Applicant has been falsely implicated in the crime in question for which, he is in jail since 16.05.2021 and that there is no incriminating material against him which may hold him guilty for the commission of offence punishable under Sections 363 and 366 IPC and therefore, he may

be released on bail.

4. On the other hand, learned State Counsel opposed the bail application.

5. Anwar Hussain, father of the prosecutrix is present through video conferencing with the aid of the District Legal Services Authority, Surajpur duly identified by the local Counsel Shri Imran Khan and Shri Satyanarayan Singh, Para-Legal Volunteer, District Legal Services Authority, Surajpur and has no objection if the Applicant is enlarged on bail.

6. I have heard learned Counsel for both the parties and perused the case diary.

7. Considering the facts and circumstances of the case, the age of the Applicant i.e. 21 years, the fact that he is in jail since 16.05.2021 and that charge sheet has already been filed and that trial may take some time due to Covid-19 Pandemic and further considering that the father of the Prosecutrix, who is present through video conferencing has no objection, I am inclined to allow this application.

8. Accordingly, the instant M.Cr.C is allowed and it is directed that in the event of the Applicant executing a personal bond for a sum of Rs.1,00,000/- with two sureties of Rs.50,000/- each to the satisfaction of the concerned trial Court, he shall be released on bail on the following 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.

iv. he shall strictly follow the COVID-19 protocol issued by the Central Government / State Government / Local Authority.

v. he shall not involve himself in any offence of similar nature in future.

Let a copy of this order be forwarded to the concerned police station forthwith who shall inform the trial Court in the event of applicant involving himself in any offence in future.

Sd/-

Gautam Chourdiya
JUDGE

Priya