

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

(Proceedings through Video Conferencing)

MCRC No. 5846 of 2021

- Aftab @ Altaf, S/o Sahabbuddin, Aged About 25 Years, R/o Village- Marhatta, Police Station- Pratappur, District- Surajpur, Chhattisgarh. **---- Applicant**

Versus

- State of Chhattisgarh, Through- In-charge Police Station Jhilmili, District- Surajpur, District : Surajpur, Chhattisgarh.

---- Non-Applicant

For Applicant : Shri D. N. Prajapati, Advocate

For Non-Applicant/State : Shri Rahim Ubwani, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

02.09.2021

Heard.

- 1) The applicant has preferred this First Bail Application under Section 439 of Code of Criminal Procedure, 1973 as he is in jail since- 24.06.2021 in connection with Crime No. 63/2021, registered at Police Station- Jhilmili, District- Surajpur (C.G.) for the offence punishable under Sections 363 & 366 of IPC.
- 2) Case of the prosecution, in brief, is that on 24.06.2021 complainant Smt. Sumitra Dubey lodged report in Police Station to the effect that her minor daughter who is 17 year old, without intimation, at about 4 am went somewhere and it is suspected that one Altaf resident of Marhatta eloped with her and during the course of the investigation, the missing girl was recovered from the applicant.
- 3) Learned counsel for the applicant submits that the applicant has

been falsely implicated in the crime in question. He further submits that the applicant and the prosecutrix are having love affair and on 23.06.2021 the prosecutrix herself called the applicant and expressed the desire to visit somewhere, due to which prosecutrix alongwith the applicant left for Ambikapur without intimation to the family members at about 4 am and on the same day when both were returning, the police arrested the applicant. It is further submitted that the applicant has no criminal antecedents, there is no likelihood of his tampering with the prosecution evidence or absconding. The applicant is in jail since 24.06.2021 and due to COVID-19 trial is likely to take some time for disposal. Therefore, the applicant be released on bail by this Court.

- 4) On the other hand, learned counsel for the Non-Applciant/State opposes the bail application and submits that the applicant has no criminal antecedents.
- 5) Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the nature of allegation made agaisnt the present applicant, age of the prosecutrix which appears to be more than 17 years old, statement of the prosecutrix recorded under Section 164 of CrPC, she herself called the applicant and both went together, charge-sheet has already been filed, the detention period of the applicant, who is 25 years old and the fact that the applicant has no criminal antecedents, there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsel and due to COVID-19 conclusion of trial may take some time, without commenting anything on merits of the case, the application is allowed.
- 6) 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 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 similar offence in future.

Sd/-
(Gautam Chourdiya)
Judge

Nadim