

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7216 of 2020

1. Manoj Dhanuهار S/o Mangal Aged About 18 Years Caste - Dhanuهار, R/o Khadpadi, Chowki - Korbi, Police Station Passan, District Korba (C.G.).

---- Applicant

Versus

1. State Of Chhattisgarh Through The Incharge, Chowki - Korbi, Police Station Passan, District Korba (C.G.).

---- Respondent

For Applicant	: Shri S.R.J. Jaiswal, Advocate.
For Respondent/State	: Shri Vimlesh Bajpai, Govt. Advocate.

Hon'ble Justice Shri Gautam Chourdiya

Order on Board

08/01/2021

- 1) This is the First Bail Application filed under Section 439 of Code of Criminal Procedure, 1973 by the applicant for grant of bail as he is in custody since 04/09/2020 in connection with Crime No. 94/2020 registered at Chowki Korbi, Police Station Passan, District Korba (C.G.) for the offence under Sections 363 & 366 of IPC.
- 2) Case of the prosecution, in brief is that on 03/09/2020 a report was lodged by brother of the prosecutrix on 20/08/2020 the present applicant took away his minor sister/prosecutrix who was subsequently brought back by him after persuasion. On 30/08/2020 again the prosecutrix left her home without informing anybody and during investigation she was recovered from the house of the present applicant.
- 3) Learned counsel for the applicant submits that applicant is an innocent person and has been falsely implicated in this case. He submits that the prosecutrix and the applicant were having affair

for the last 1 year before the incident. He further submits that Co-ordinate Bench of this Court in similar matters has granted bail to the accused vide ***order dated 28/01/2019 passed in MCRC No. 8033/2019, Janak Lal Nishad @ Manharan V/s State of Chhattisgarh and vide order dated 16/09/2020 passed in MCRC No. 4740/2020, Khilesh Verma V/s State of Chhattisgarh***. He lastly submits that the applicant is in jail since 04/09/2020, charge sheet has already been filed and conclusion of the trial is likely to take some time. Therefore, the present applicant be released on bail.

- 4) On the other hand, learned counsel for the respondent/State opposes the bail application.
- 5) Heard learned counsel for the parties.
- 6) Considering the facts and circumstances of the case, the fact that the applicant is in jail since 04/09/2020, in particular the evidence of the prosecutrix, and fact that the trial is likely to take some time for disposal and that in identical matters the Co-ordinate Bench has granted bail to the accused persons, without commenting anything on merits of the case, the application is **allowed**. It is directed that in the event of applicant executing a personal bond for a sum of **Rs. 50,000/-** with **two** sureties of Rs. 25,000/- 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 not involve himself in any offence of similar nature in future.

**-Sd/-
(Gautam Chourdiya)
Judge**

Chandrakant