

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 6396 of 2021

- Yuvraj Sinha son of Mohanlal Sinha, aged about 23 years, resident of Village- Rengakathera, Police Station Lalbag, Tahsil & District Rajnandgaon (C.G.)

---- Applicant

Versus

- State of Chhattisgarh Through : Station House Officer, Police Station- Bori, District Durg (C.G.) (wrongly mentioned as Chowki- Litiya)

---- State/Non-Applicant

For Applicant	:	Shri Anil S. Pandey, Advocate
For Non-Applicant/State	:	Shri Shrestha Gupta, Panel Lawyer

Hon'ble Shri Justice Gautam Chourdiya, J

Order on Board

21.09.2021

1. The applicant has preferred this first bail application under Section 439 of Cr.P.C. as he is in jail since 09.07.2021 in connection with Crime No. 125/2021 registered in Police Station- Bori, District Durg (C.G.), for the offence punishable under Sections 363 & 366 of IPC.
2. As per prosecution story in brief is that on 07.07.2021, the applicant abducted the prosecutrix from her lawful guardianship and detained her in his house. Initially the missing report was lodged against the unknown person and during course of investigation, the prosecutrix was recovered from the custody of the applicant on 09.07.2021.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question, the applicant and prosecutrix are having love affair with each other. He submits that there is no likelihood of the applicant tampering with the prosecution evidence or absconding, he is in jail since 09.07.2021, charge-sheet has already been filed and due to Covid-19 pandemic, trial is likely to take some time for its final disposal. Therefore, the applicant be released on bail by this Court.
4. On the other hand, learned counsel for the Non-Applicant/State opposes the bail application.

5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, the fact that the applicant and prosecutrix are having love affair with each other, as per Annexure-A/2, the prosecutrix has sent her school record regarding her date of birth to the applicant through mobile in which her date of birth is mentioned as 16.04.2003 and as per prosecution case her date of birth is 16.04.2005, both the documents are matter of evidence absolutely that the prosecutrix is major or not at the time of incident, and that the detention period of the applicant who is 23 years old, the fact that there is no likelihood of the applicant tampering with the prosecution evidence or absconding as admitted by both the counsels, charge-sheet has already been filed and due to Covid-19 pandemic, conclusion of trial may take some time, without commenting anything on merits of the case, the bail application is allowed.
6. It is directed that in the event of applicant executing a personal bond for a sum of Rs.2,00,000/- with two sureties of Rs.1,00,000/- 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/her 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.
7. 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 nature of offence.

Sd/-
(Gautam Chourdiya)
Judge