

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8720 of 2021

Etwar Sai Manikpuri @ Atwar Sai S/o Hariram Aged About 55 Years R/o Rajpurikhurd, Saraipara, Police Station And Tehsil Ambikapur District Surguja Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Ambikapur District Surguja Chhattisgarh

---- Respondent

For Applicant	:	Shri Amarnath Pandey, Advocate
For Respondent – State	:	Shri Jitendra Shukla, PL for the State

Hon'ble Shri Justice Deepak Kumar Tiwari

Order On Board

16.12.2021

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No.846/2020 registered at Police Station Ambikapur, District – Surguja, (CG) for the offence punishable under Sections 363 and 366 of the IPC.
2. As per the prosecution case, the complainant has lodged a complaint on 08.12.2020 at about 5.30 p.m. that the appellant has kidnapped his minor daughter in a motorcycle.
3. Learned counsel for the applicant submits that the applicant and his son were earlier arrested on the charges of rape. In that case also allegation against the applicant is that he had given shelter to his son and complainants' daughter. After completion of Special Sessions Case

No.06/2020 (POCSO), Ambikapur vide judgment dated 12.07.2021, the applicant was acquitted from the charges and his son was convicted and he is in jail. The applicants' son and the daughter of the complainant on her own will came to his house and further submits that applicant never kidnapped her but also advised her to go to his fathers' house but she refuses to go. The applicant has been falsely implicated therefore, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Having heard learned counsel for the parties, having regard to the facts and circumstances of the case, particularly considering the statement given by the victim girl under Section 164 of the Cr.P.C. during the investigation that she went to the applicant house on her own volition as her mother scolded for her conduct repeatedly and further that there is no likelihood of the applicant tampering with the prosecution evidence or absconding and conclusion of trial may take some time, the application is allowed.
6. It is directed that in the event of the Applicant's executing a personal bond for a sum of Rs.5,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, he shall be released on bail on the following conditions :-
 - (a) 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.
 - (b) he shall not act in any manner which will be prejudicial to fair and expeditious trial, and
 - (c) he shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial,
 - (d) he shall not involve himself in any offence of similar nature in future.

Sd/-

(Deepak Kumar Tiwari)
Judge