

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 9388 of 2021

1. Sudhir Urao S/o Late Raman Urao, Aged About 45 Years, R/o Village Narma, Post Narma, Gudari Tahsil And District Gumla (Jharkhand).

---- Applicant

Versus

1. State Of Chhattisgarh, Through SHO GRP, Bilaspur District Bilaspur (Chhattisgarh).

---- Non-Applicant

For Applicant : Mr. Dheerendra Pandey, Advocate.
For Non-Applicant/State : Mr. Rahim Ubwani, Panel Lawyer.

Hon'ble Shri Justice Gautam Chourdiya

Order on Board

13/12/2021

- 1) This is the **Second Bail Application** filed under Section 439 of Code of Criminal Procedure, 1973 for grant of bail. The First Bail Application i.e. MCRC 3551/2021 was dismissed as withdrawn on 22/07/2021.
- 2) The applicant is arrested on 06/02/2021 in connection with Crime No. 09/2021 registered at Police Station GRP, Bilaspur District Bilaspur (C.G.) for the offence under Sections 363 & 370 of Indian Penal Code.
- 3) As per the prosecution case, on 05/02/2021, while complainant Usha Baghel (SI) was checking the Train No. 02834 - Howra Ahmedabad Express, she found one person sitting with two minor girls in Coach No. S/13, Berth No. 44. On suspicious she inquired from them on which the applicant disclosed his name as Sudhir Urao of Jharkhand and stated that he is taking the girls for visiting Surat. However on being inquired from the minor girls the disclosed that the applicant has abducted them from the

village after threatening. Thus, on the report of the complainant, the aforesaid offence has been registered against the accused.

- 4) Learned counsel for the applicant submits that the applicant has been falsely implicated in the crime in question. He submits that the victim as well as their parents have been examined before the Trial Court and they have not supported the prosecution case vide Annexure A-3. He submits that there is no apprehension of the applicant tampering with the evidence or absconding. He also submits that the applicant is in jail since 06/02/2021 and conclusion of the trial is likely to take some time. Therefore, the applicant be released on bail.
- 5) On the other hand, learned counsel for the State opposes the bail application.
- 6) I have heard learned Counsel for the parties
- 7) Considering the facts and circumstances of the case, in particular the depositions of the victim (Annexure A-3) where they have not supported the prosecution case, looking to the depositions of PW-03, PW-04, PW-05 & PW-06, the detention period of the applicant who is 45 years old, the fact that there is no apprehension of the applicant tampering with the evidence or absconding as admitted by both the counsel and that conclusion of trial may take some time, the application is **allowed**. 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/- 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,
 - 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 Govt./State Govt./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**

Chandrakant