

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3159 OF 2015**

Resham Dhritlahare S/o Shri Jagmohan aged about 20 years R/o village Kot,
P.S. Kasdol, Civil and Revenue District Baloda Bazar (C.G.)

---Applicant**Versus**

State of Chhattisgarh, through District Magistrate, Civil and Revenue District
Baloda Bazar (C.G.)

---Non-applicant

For Applicant	:	Mr. Amiyakant Tiwari, Advocate
For Non-applicant	:	Mr. Neeraj Pradan, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/07/2015**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No. 129/15, registered at Police Station Kasdol, District Baloda Bazar, for the offence punishable under Sections 363, 366, 376 r/w 34 of Indian Penal Code and Sections 4, 6, 10 of POCSO Act.

2. Case of the prosecution, in brief, is that applicant and co-accused Sachin Banjare are said to have kidnapped the prosecutrix on 17/03/2015 and committed sexual intercourse with her.

3. Learned counsel for the applicant would submit that applicant has been falsely implicated in this case as he has not committed rape with prosecutrix and it is Sachin Banjare, who has kidnapped and committed sexual intercourse with prosecutrix. He would further submit that charge

sheet has been filed and applicant is in jail since 21/03/2015, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that allegation of rape is against Sachin Banjare and applicant has assisted Sachin Banjare in offence in question.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in offence in question and charge sheet has already been filed, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that applicant shall be released on bail on furnishing a personal bond in the sum of **Rs.25,000/-** with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE