

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2997 of 2015**

- Sunil Kumar Vishvakarma @ Dhana S/o Siru Ram; Aged About 32 years; R/O Village Shrigarh (Yadawpara), Police Station Ambikapur, District (Revenue & Civil) Surguja Chhattigarh

---- Applicant

Versus

- State Of Chhattisgarh Through : Police Station Ambikapur District (Revenue & Civil) - Surguja Chhattisgarh

---- Respondent

For Applicant:	Shri S.D. Singh, Advocate.
For Respondent:	Shri Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****01/07/2015**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 621/2014 registered at Police Station Ambikapur; District (Revenue & Civil)- Surguja for the offences punishable under Sections 363, 366 (क), 368, 376/34 of Indian Penal Code & Section 16, 04, 05 ढ/06 of POCSO Act.

(2) Case of the prosecution, in brief, is that co-accused Manoj Vishwakarma @ Panda with the help of present applicant abducted the prosecutrix, who is minor girl, and committed sexual intercourse with her against her will and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that there is no allegation of rape against the present applicant; only allegation of assisting co-accused in abduction and in the commission of rape against the applicant; main allegation of rape against the co-accused- Manoj Vishwakarma. He further submits that applicant is in jail since 24.01.2015; and the charge sheet has already been filed and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State submits that present applicant has clearly assisted in abduction of the minor girl with whom co-accused – Manoj Vishwakarma has allegedly committed sexual intercourse and, therefore, the applicant is not entitled to be released on bail.

(5) Taking into consideration the facts & circumstances of the case; further considering role of the present applicant in the offence in question; and the facts that applicant is in jail since 24.01.2015; and the charge sheet has already been filed against the applicant; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is

allowed.

(6) Accused/applicant is directed to be released on bail on his executing a personal bond in the sum of ₹ 25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

(7) Certified copy, as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-