

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6052 of 2015

Neeraj Kumar, S/o. Leelaram, Aged About 19 Years, R/o. Village Sodhi,
Police Station Seepat, Civil & Revenue District Bilaspur, Chhattisgarh .

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station
Seepat, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Sushobhit Singh, Advocate

For Respondent : Mr. Vivek Singhal, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

16/11/2015

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.173/2015 registered at Police Station- Seepat, District Bilaspur (C.G.) for the offence punishable under Section 363, 366 of Indian Penal Code and Section 3(i)(ii) of the SC/ ST Act.
2. Case of the prosecution, in brief, is that the applicant helped the other co-accused namely Maheshwar Tiwari to take away the prosecutrix on the motorcycle who was aged about 15 years and this applicant went alongwith the other co-accused and the girl was taken towards the forest. Thereafter, she was left to the house of one Sarpanch and she was recovered from there.
3. Learned counsel for the applicant submits that the main allegations were against the other co-accused Maheshwar Tiwari and he has been granted bail being the juvenile. He further submits that the applicant is aged about 19 years, student of

Class-12 and has not done any overt act and only allegation is that he accompanied with the prosecutrix/victim and the other co-accused. Therefore, considering the age of the applicant and the role played by him, he may be enlarged on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and considering the statement of the prosecutrix under Section 164 and the role played by this applicant that he was only accompanied with the prosecutrix on the motorcycle and further considering the age of the applicant i.e. 19 years who is a student of Class-12, I am inclined to release the applicant on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
8. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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/-
(Goutam Bhaduri)
Judge