

NAFR

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.Cr.C.No.3745 of 2015**

Dileshwar Barke son of Makundo Ram, aged about 53 years, Caste-Mahkul, resident of Village-Balajhar, Police Station & Tahsil-Patthalgaon, District Jashpur (CG)

**---Applicant****Versus**

State of Chhattisgarh Through: Station House Officer, Police Station-Patthalgaon, District Jashpur (CG)

**---Non-applicant**


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|-------------------|---|--------------------------------------|
| For Applicant     | : | Mr. Manoj Paranjape, Advocate        |
| For Non-applicant | : | Mr. Neeraj Jain, Government Advocate |

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**Hon'ble Shri Justice Sanjay K. Agrawal****Order on Board****04/08/2015**

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. 42/2015, registered at Police Station Patthalgaon, District Jashpur (C.G.), for the offence punishable under Sections 376, 294, 506 Part-II, .323 and 313/34 of the IPC.

2. Case of the prosecution, in brief, is that main accused Ravi Sidar committed sexual intercourse with the victim and she became pregnant and while the victim aborted the present applicant assisted main accused Ravi Sidar in the year 2011 and 2014 and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He

would further submit that there is no allegation of rape against the present applicant, he is in jail since 13.7.2015 and no useful purpose would be served by detaining him in jail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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 and his pre-trial detention, 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**

B/-