

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 4146 OF 2015**

Bablu @ Raju Chandravanshi S/o Ishvari Prasad Chandravanshi, aged about 21 years, R/o Labor Colony, Lavkush Nagar, Chandan Para, Thana Jamul, Distt. Durg (C.G.)

---Applicant

Versus

State of Chhattisgarh Through: Thana Chhuikhadan, Distt.-Rajnandgaon (C.G.)

---Non-applicant

For Applicant	:	Mr. Samir Singh, Advocate
For Non-applicant	:	Mr. Anant Bajpai, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****19/08/2015**

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. 62/2015, registered at Police Station Chhuikhadan, Distt.-Rajnandgaon (C.G.), for the offence punishable under Sections 363, 366, 376/34 of the Indian Penal Code and 4, 6 of Protection of Children from Sexual Offence Act and 3(1)(XII) of Scheduled Castes & Scheduled Tribes (Prevention of Atrocity) Act.

2. Case of the prosecution, in brief, is that, on 19/02/2015, present applicant along with other co-accused Pappu Sahu alleged to have kidnapped the prosecutrix and committed sexual intercourse with her and thereby committed offence.

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

question. He would further submit that allegation of rape against other co-accused Pappu Sahu and in the house of present applicant, prosecutrix and other co-accused stayed, as such, he has been made accused. He would lastly submit that charge sheet has been filed and applicant is in jail since 25/02/2015 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 present applicant assisted co-accused in kidnapping the prosecutrix.

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; pretrial detention of the applicant; charge sheet has already been filed and there is no allegation of rape against the present applicant, 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