

HIGH COURT OF CHHATTISGARH, BILASPUR

Misc. Criminal Case No.4787 of 2015

Aatmaram Baghel @ Lall, S/o Banshilal Baghel, R/o Bazar Chowk, Ward No.13, Kuran, Police Station Dharsinva, District Raipur (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through SHO, Police Station Dharsinva, Raipur (C.G.)

---- Non-applicant

For Applicant:	Mr. Vikram Singh, Advocate.
For Non-applicant:	Mr. Anupam Dubey, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

14/09/2015

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.128/2015 {ST No.152/2015 pending in the Court of Additional Sessions Judge (FTC), Raipur}, registered at Police Station Dharsinva, Raipur, for the offence punishable under Sections 376 and 506B read with Section 34 of the IPC.
2. Case of the prosecution, in brief, is that on 29-4-2015 co-accused Jakir committed forceful sexual intercourse with the prosecutrix and immediately thereafter, the present applicant along with other co-accused persons came on the spot and threatened her not to make report to the police and thereby committed the offence.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the crime in question. He further submits that there is no allegation of rape against the present applicant, there is allegation of the offence of threatening against

him, which is punishable under Section 506B of the IPC. He also submits that the applicant is in jail since 5-5-2015. Co-accused persons Suraj @ Sandip Guruvekar and Raju Kandra have been released on bail by order dated 7-9-2015 passed by this Court in M.Cr.C.No.4642/2015 and case of the present applicant is similar to these co-accused persons.

4. On the other hand, learned State counsel opposes the application, but confirms that case of the present applicant is similar to that of the co-accused persons who have already been released on regular bail by this Court vide order dated 7-9-2015.
5. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, the applicant is in jail since 5-5-2015 and co-accused persons Suraj @ Sandip Guruvekar & Raju Kandra have been released on bail, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
6. It is, therefore, directed that the applicant be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge