NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C.No.5041 of 2015

Laxmi Prasad, S/o. Indra Pal, Aged about 36 years, Caste Panika, R/o. Village Murma, P.S. Patna, District Koriya (CG)

---Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, Police Station Patna, District Koriya (CG)

---Non-applicant

For Applicant : Mr.Ashok Kumar Shukla, Advocate
For Non-applicant : Mr.Anupam Dubey, Dy.Govt.Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

22/09/2015

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.72/2015, registered at Police Station-Patna, District-Koriya C.G.), for the offence punishable under Sections 363, 366, 368 & 376 of the IPC, 4 & 6 of the POSCO Act and 3 (1) (xii) & 3 (2) v) of the Atrocities Act.

2. Case of the prosecution, in brief, is that co-accused Subhash @ Pintu abducted the minor prosecutrix and committed forceful sexual intercourse with her in the house provided by the present applicant and thereby committed the aforesaid offence.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. She would further submit that there is no allegation of rape against the present applicant, co-accused Subhash @ Pintu is in relation of the present and therefore, he allowed him to stay in his house and as such, he is in jail since 25.4.2015 and charge-sheet has already been filed and therefore, he may be enlarged on bail.

4. On the other hand, learned State counsel 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; his pre-trial detention, taking note of the fact that there is no allegation of rape against the present applicant and the fact that charge-sheet has already been filed, this Court is of the opinion that present is a 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 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-