

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.5084 of 2015

Khelavan @ Pappu, S/o Shri Premsingh Chauhan, aged about 22 years,
R/o Village Madauda, P.S. and Tah. Khairagarh, Civil and Revenue District
Rajnandgaon (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through P.S. Saja, Civil & Rev. District Bemetara
(C.G.)

---- Non-applicant

For Applicant:	Mr. Pramod Kumar Verma, Senior Advocate with Mr. Mayank Chandrakar, Advocate.
For Non-applicant:	Mr. S.R.J. Jaiswal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

23/09/2015

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.170/2015, registered at Police Station Saja, Distt. Bemetara, for the offence punishable under Sections 366, 506B, 342 and 354 (1) of the IPC.
2. Case of the prosecution, in brief, is that on 8-5-2015, the applicant and one another co-accused abducted the complainant and confined her, co-accused Rahul kept her in his house and outraged her modesty and also robbed her ornaments.
3. Learned counsel for the applicant submits that the applicant has not committed any offence, he has been falsely implicated in the crime and he is in jail since 22-7-2015. He further submits that there is no allegation of outraging the modesty or robbing the ornaments of the complainant upon the present applicant, the only allegation is that he assisted the co-

accused in kidnapping the complainant which is also apparent and probable on the face of record and the complainant is said to have been abducted outside her in-laws' house in broad daylight. He also submits that in false case, the applicant has been arrested, charge-sheet has already been filed and no custodial interrogation of the applicant is required.

4. On the other hand, learned State counsel opposes the application and submits that the present applicant forcefully took the complainant to another place and allowed the co-accused to commit aforesaid offences.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, main role of outraging the modesty and robbing the ornaments is against main co-accused Rahul, pretrial detention of the applicant and charge-sheet has been filed, I am of the view that it is a fit case to grant regular bail to the applicant. Accordingly, the application is allowed.
7. 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