

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 145 of 2016

Rakesh Kumar Sahu, S/o. Chedilal Sahu, Aged About 19 Years, Cast Teli, R/o. Village Jarve, Thana & Tahsil Janjgir, District Janjgir Champa, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through Police Station Balco Nagar, District Korba, Chhattisgarh

---- Respondent

For Applicant : Mr. Arvind Shrivastava, Advocate

For Respondent : Mr. Anil S. Pandey, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

25.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.289/2015 (as per challan and crime number wrongly mentioned in the impugned order as 154/2015), registered at Police Station– Balco Nagar, Korba, District Korba (C.G.) for the offence punishable under Section 363, 366, 376, 323 & 506/34 of Indian Penal Code.
2. Case of the prosecution, in brief, is that a report was made by the father of the victim that her daughter is missing and subsequently on investigation it was found that the daughter was enticed away by one Pritam Sahu on the pretext of marriage and thereafter he committed sexual intercourse with her and while the victim was taken away by Pritam Sahu, the present applicant has drove the motorcycle in between Parsabhatha to Dipika.

3. Learned counsel for the applicant submits that the charge sheet in this case has been filed and only allegation against this applicant is that he drove the motorcycle from Parsabhatha to Dipika when the victim and other boy Pritam Sahu was traveling from Parsabhata to Koshla. He further submits that considering the allegation leveled against this applicant, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Having regard to the facts and circumstances of the case; considering the degree of allegation and the fact that the main allegation is attributed to Pritam Sahu; further considering the role played by this applicant and the period of detention as he is in jail since 05.10.2015, I am inclined to release the applicant on 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/-
(Goutam Bhaduri)
Judge