

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 935 of 2016**

Keshavar Ram, S/o Bodhanram, Caste-Ghasiya, Aged about 35 years, R/o Village- Tedga, P.S. Batouli, Distt. Surguja (C.G.)

---- Applicant

Versus

State Of Chhattisgarh Through: Police Station- Batouli, District Surguja (C.G.)

-----Non-applicant

For Applicant: Mr. R.C. Shukla, Advocate.
For Non-applicant/State: Mr. Suvigya Awasthy, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****08/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 139/2015 registered at Police Station Batouli, District Surguja (C.G.) for the offences punishable under Sections 363, 366 (क), 376 (2)(ख), 342, 34 of I.P.C. And under Section 5(ख) & 6 of Protection of Children from Sexual Offence Act, 2012.

(2) Case of the prosecution, in brief, is that on 12.12.2015 co-accused Dhaniram kidnapped the minor prosecutrix and committed sexual intercourse with her against her will in the house of present applicant and thereby committed the aforesaid offences.

(3) Counsel for the applicant submits that the applicant has

been falsely implicated in the offence in question as he has not committed any offence and there is no evidence on record to connect the applicant in the offence in question. He further submits allegation of rape is against co-accused – Dhaniram and he is languishing in jail since 18.12.2015 and the charge sheet is yet to be filed but the substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; role of the present applicant in the offence in question that he is alleged to have given shelter to the prosecutrix and the co-accused – Dhaniram; and allegation of rape is against the co-accused; further considering his pre-trial detention and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicant- **Keshavar Ram** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Sd/-

(Sanjay K. Agrawal)

Judge

D/-

