

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.2077 of 2016

Vivek Kujur, S/o Arvind Minj, aged about 20 years, Caste Uranw, R/o Vill. Behrakhar, P.S. & Tahsil Kunkuri, Civil & Revenue Distt. Jashpur (C.G.)
 ---- Applicant

Versus

State of Chhattisgarh, Through P.S. Narayanpur, Distt. Jashpur (C.G.)
 ---- Non-applicant

For Applicant:	Mr. Sanjay Agrawal, Advocate.
For Non-applicant:	Mr. Vivek Singhal, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

20/04/2016

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, registered at Police Station Narayanpur, Distt. Jashpur, for the offence punishable under Sections 376, 294, 506 read with Section 34 of the IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant kidnapped the minor prosecutrix and co-accused Shailendra Tirkey committed sexual intercourse with the prosecutrix.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the case. The present applicant is only said to have kidnapped the minor prosecutrix and he is in jail since 9-12-2015. Charge-sheet has been filed.

4. On the other hand, learned State counsel opposes the application and submits that bail application of co-accused Shailendra Tirkey has been rejected by order dated 6-4-2016 passed by this Court in M.Cr.C.No.1840/2016.
5. However, learned counsel for the applicant submits that case of the present applicant is distinguishable to that of co-accused Shailendra Tirkey as there is no allegation of rape against the present applicant.
6. I have heard learned counsel for the parties and perused the case diary.
7. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicant, case of the applicant is distinguishable from that of co-accused Shailendra Tirkey as there is no allegation of rape against the present applicant, the present applicant is in jail since 9-12-2015 and charge-sheet has been filed, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
8. 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