

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M. Cr. C. No. 2116 OF 2016**

Sonsai Paikara son of Jagmohan Paikara aged about 40 years R/o village Dawna P.S. Bhaiyathan District Surajpur (C.G.)

---Applicant**Versus**

State of Chhattisgarh, Through Station House Officer Police Station Lundra District Surguja (C.G.)

---Non-applicant

For Applicant	:	Mr. Raghvendra Verma, Advocate
For Non-applicant	:	Mr. Ajit Singh, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****26/04/2016**

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. 17/2016, registered at Police Station Lundra, District Surguja (C.G.), for the offence punishable under Sections 341, 366, 376, 506/34 of the I.P.C.
2. Case of the prosecution, in brief, is that, co-accused

Kariman Paikara committed sexual intercourse with the prosecutrix after kidnapping her and present applicant provided shelter in his house for eight days and thereby committed aforesaid offence.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in this case. He would further submit that sexual intercourse has been committed by co-accused Kariman Paikara. He would lastly submit that applicant is in jail since 28/02/2016, therefore, he may be released on bail.

4. On the other hand, learned counsel for the State 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 applicant; no allegation of rape against the present applicant and pretrial detention of the applicant, this Court is of the opinion that present is the 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 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