

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No.2338 of 2016**

Ratnadeep Borkar (wrongly mentioned as Sandeep Borkar in the Cause Title of the Bail Rejection Order Dated 23.09.2015 and in the Police Challan including F. I. R.) (Original Name of the Applicant is Ratnadeep Borkar, which is mentioned in the First Paragraph of the Bail Rejection Order Dated 23.09.2015) S/o Late Sewakdas Borkar, Aged About - 24 Years, R/o Aamapara Bazaar, Police Station - Azad Chowk, Post & Tahsil - Raipur, Revenue & Civil District – Raipur, Chhattisgarh

---- Applicant**versus**

State of Chhattisgarh Through, Station House Officer, Azad Chowk, Revenue & Civil District – Raipur, Chhattisgarh

---- Non-Applicant

 For Applicant : Mr. Surfaraz Khan, Advocate
 For Non-Applicant/State : Mr. B. Gopa Kumar, Deputy Advocate General

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order on Board****30/05/2016**

1. Heard.
2. The Applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail, who has been arrested on 20.9.2015 in connection with Crime No.212 of 2015 registered at Police Station Azad Chow, District Raipur, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the IPC and Sections 4A and 5 of the Protection of Children from Sexual Offences Act, 2012.
3. The case of the prosecution, in brief, is that co-accused, the brother of the Applicant, namely, Lokesh enticed and kidnapped Kumari Kusum, aged about 16 years. The allegation against co-accused Lokesh is that he committed rape on the prosecutrix. The allegation against the

Applicant is that Lokesh brought the prosecutrix to the house of the Applicant and there both of them stayed overnight.

4. Learned Counsel for the Applicant submits that insofar as commission of the offence under Section 376 IPC is concerned, the Applicant has no role to play. Even according to the prosecution, the Applicant's brother (the co-accused) came to the house of the Applicant along with the prosecutrix and both of them stayed only overnight and the prosecutrix has not stated that in that night any sexual intercourse was committed. He further submits that the Applicant is in jail since 20.9.2015, he is not likely to abscond, charge-sheet has been filed long back and trial has not been completed till date, therefore, he may be released on bail.
5. On the other hand, Learned Counsel for the State opposed the prayer for grant of bail and submitted that the fact that the Applicant provided place of his residence to his brother, the co-accused for commission of the offence and he also stayed there with the co-accused *prima facie* shows his involvement for commission of the offence.
6. Taking into consideration the submissions made on behalf of both the parties, nature of the allegations and the role played by the Applicant and also considering that the Applicant is in jail since 20.9.2015, charge-sheet has been filed and the Applicant is not likely to abscond, I am of the considered opinion that *prima facie* it is a fit case where the Applicant can be released on bail.
7. Accordingly, the application for bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond of Rs.25,000/- with one local surety of the like amount to the satisfaction of

the concerned trial Court. He shall appear before the Court below on each and every date given to him by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

Vacation Judge

Raju