

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2455 of 2016

Raju, S/o. Dileshwar, aged about 40 years, R/o. Village-Kuruwa, Police Station – Nandghat, Civil and Revenue Distt- Bemetara (C.G.)

---- Applicant

Versus

State of Chhattisgarh, Through: Police Station Nandghat, Civil and Revenue District-Bemetara (C.G.)

---- Respondent

For Applicant : Mr. P.P. Sahu, Advocate

For Respondent/State : Mr. Ashish Shukla, Govt. Advocate

Hon'ble Shri Justice Prashant Kumar Mishra

Order On Board

19/05/2016

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.430/2015 registered at Police Station- Nandghat, District – Bemetara (C.G.) for the offence punishable under Section 363, 366, 376, 368, 34 of Indian Penal Code.
2. As per the prosecution case, one Saukhi Lal abducted the prosecutrix aged about 17 and half years and brought her to the applicant's place at Kawardha, whereby the applicant provided shelter to the boy who abducted the girl.
3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 04.03.2016, therefore, he may be enlarged on bail.

4. Learned State counsel would oppose the prayer for grant of bail.
5. The applicant is not related to the boy who abducted the girl. There is no allegation even against the boy that he committed sexual intercourse with the prosecutrix. The applicant is in jail since 04.03.2016 and another co-accused Dhannu against whom there are similar allegation has already been released by the Session Court. Considering the totality of the circumstances, this Court is inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.
8. Certified copy as per rules.

Sd/-
(Prashant Kumar Mishra)
Vacation Judge