

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4568 of 2016

1. Baiju Ram, S/o. Kenda Ram, aged about 28 years, R/o. Bankipur, P.S.
- Gandhi Nagar, District – Sarguja (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : the Station House Officer, Police
Station- Ambikapur (AJK), District – Sarguja (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Jitendra Shrivastava, Advocate
For Respondent/State	: Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

19/08/2016

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.94/2016, registered at Police Station – Ambikapur (AJK), District – Sarguja (C.G.) for the offence punishable under Section 363, 366, 376, 342, 368/34, 365, 506-B, 120-B, 109, 114, 376 (2) of the Indian Penal Code and Section 3 (2) (v) and 3 (1) (xi) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, Section 3, 4, 5 & 6 of the POCSO Act, 2012.
2. Case of the prosecution, in brief, is that the applicant along with the other accused persons enticed away the girl from the lawful guardianship of her parents, who is minor and took her to village- Krishnapur. Thereafter, the other accused person committed rape.

Thereby the offence has been committed.

3. Learned counsel for the applicant submits that entire allegation of rape are attributed to other co-accused Bhoyala and he being the minor, he has been enlarged on bail and the allegation of sexual assault has not been attributed to this applicant, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the statement under Section 161 of Cr.P.C. Considering the role played by this applicant and further considering the fact that main allegation of sexual assault has been attributed to other accused person, this Court is of the opinion that present is a 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 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 trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge