

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No.1892 of 2016**

Radhe Shayam, aged about 40 years, S/o Charku, By Caste Gond, R/o
Hastinapur Chakadand, Thana and Tahsil Manendragarh, Distt.Koriya

---Applicant

Versus

The State of Chhattisgarh Through Police Station Pondi, Distt.Koriya

---Non-applicant

For Applicant	:	Mr. Parag Kotecha, Advocate
For Non-applicant	:	Mr. S. Awasthy, Panel Lawyer

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

11/04/2016

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.20/2016, registered at Police Station-Pondi, District-Koriya (CG), for the offence punishable under Sections 363, 366, 368, 376 of the IPC and Sections 4, 5, 6, 9 & 10 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that the applicant and co-accused Narendra Singh kidnapped the minor prosecutrix and the co-accused committed forcible intercourse with her.

3. Learned counsel for the applicant would submit that the applicant has not committed any offence and he has falsely been implicated in crime in question. He would further submit that there is no allegation of rape against the present applicant and only he is alleged to have been allowed the prosecutrix and co-accused in his house. He is in

jail since 15.2.2016 and charge-sheet is yet to be filed, 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 & circumstances of the case, nature & gravity of the offence, role of the present applicant, his pre-trial detention and the fact that that direct allegation of rape is not against the present applicant, 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 the 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.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-