

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 800 of 2016**

Sudarshan Bada, S/o Late Dhankunwar Bada, aged about 55 years, R/o Village-Tumla, Tola Mankaribandha Chowki Tumla, Tahsil – Farshabahal, Distt. Jashpur (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through Station House Officer, Out Post Chowki-Dokda, Police Station - Kansabel, Distt. Jashpur (C.G.)

-----Non-applicant

For Applicant : Mr. Wasim Miyan, Advocate.
For Non-applicant/State : Mr. Aditya Sharma, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/03/2016**

Heard.

(1) The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure for releasing him on regular bail during trial in connection with Crime No. 34/2015 registered at Police Station Kansabel, Distt. Jashpur (C.G.) for the offences punishable under Sections 363, 366-A, 376(2)(n) & 368/34 of Indian Penal Code and Sections 4, 5(a)/6 of Protection of Children From Sexual Offences Act, 2012.

(2) Case of the prosecution, in brief, is that on 21.11.2015 co-accused Ashish Bada abducted the minor prosecutrix and committed sexual intercourse with her against her will in the house of present applicant and thereby committed the aforesaid

offences.

(3) Counsel for the applicant submits that allegation of rape is not against the present applicant and it is co-accused Ashish Bada, who has committed rape on the prosecutrix and as such the applicant has no role to play in the offence in question. He further submits that the applicant is in detention since 24.11.2015 and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; further considering the fact that allegation of rape is against co-accused- Ashish Bada; and the fact that applicant is languishing in jail since 24.11.2015; and the substantial investigation has already been completed; this Court is of the view that it is a fit case to release the applicant on bail. Accordingly, the bail application is allowed.

(6) Accused/applicant – **Sudarshan Bada** is directed to be released on bail on his executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.

Certified copy, as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-

