

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.1743 of 2016

Ashish Kumar Paikra, S/o Sandersai, aged about 24 years, R/o Village Poksari, Bhatuwarpara, Police Station Batauli, District Surguja (C.G.)
 ---- Applicant

Versus

State of Chhattisgarh, Through the Incharge, Adim Jati Kalyan Thana, Ambikapur, District Surguja (C.G.)
 ---- Non-applicant

For Applicant:	Mr. Ajay Kumar Pandey, Advocate.
For Non-applicant:	Mr. Adhiraj Surana, Deputy Govt. Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

17/03/2016

1. The accused/applicant has moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing him on regular bail during trial in connection with Crime No.2/2016, registered at Adim Jati Kalyan Thana, Ambikapur, Distt. Surguja, for the offence punishable under Sections 376, 341, 342 of the IPC; Section 3(2)(v) of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989; and Sections 5 & 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that the applicant and another co-accused wrongfully confined the minor prosecutrix and committed sexual intercourse with her.
3. Learned counsel for the applicant submits that the applicant has not committed any offence and he has been falsely implicated in the offence in question. There is no allegation of rape against the applicant, it is against Rajendra Panika, co-accused. Substantive

investigation has already been completed. The applicant is in jail since 18-1-2016.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, direct allegation of rape is against co-accused Rajendra Panika and pretrial detention of the applicant, I am of the view that it is a fit case to enlarge the applicant on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicant 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 Court for his appearance as and when directed.

Sd/-
(Sanjay K. Agrawal)
Judge