

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2089 of 2016**

Ramesh Sinha, S/o Mannulal Sinha, aged about 25 years,
R/o Naya Dhaba, Tahana-Chikhli, Rajnandgaon, Distt.
Rajnandgaon (C.G.)

---- Applicant**Versus**

State Of Chhattisgarh: Through :- Thana- Dongargaon,
Distt. Rajnandgaon (C.G.)

-----Non-applicant

For Applicant: Mr. Samir Singh, Advocate.
For Non-applicant/State: Mr. Avinash Singh, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****20/04/2016**

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. 43/2016 registered at Police Station Dongargaon, Distt. Rajnandgaon for the offence punishable under Sections 376/34 of Indian Penal Code and Sections 4 & 8 of Protection of Children from Sexual Offence Act and Section 3(1)(xii) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

(2) Case of the prosecution, in brief, is that on 5.2.2016 the co-accused- Sumit Yadav committed sexual intercourse with the minor prosecutrix and the applicant assisted the co-accused in commission of the said offence and thereby committed the aforesaid offences.

(3) Learned counsel appearing for the applicant would submit that co-accused – Sumit Yadav is said to have committed sexual intercourse with the prosecutrix and the applicant has no role to play in the offence in question. He would further submit that applicant is in jail since 11.02.2016 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 nature & gravity of the offence; facts & circumstances of the case; his pre trial detention and the fact that main allegation of rape is against co-accused namely – Sumit Yadav; 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 – **Ramesh Sinha** 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/-