

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 2670 of 2016

1. Sitendra @ Satish Tiwari, S/o. Late Ramashankar Tiwari, aged about 24 years, R/o. Village-Lavan, Balouda Bazar, Present R/o. At Mohan Bhatta, P.S. , Tahsil and District- Bemetara (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Police Station – Bemetara, District – Bemetara (Chhattisgarh)

---- Respondent

For Applicant : Ms. Neha Verma, Advocate

For Respondent/State : Mr. Arvind Shukla, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

21/06/2016

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.738/2015, registered at Police Station – Bemetara, District – Bemetara (C.G.) for the offence punishable under Section 365, 376 & 506 of Indian Penal Code .
2. Case of the prosecution, in brief, is that in between the period of 28.10.2015 to 31.10.2015, the prosecutrix was forcefully taken away while her husband was absent and she was kept in captivity and subjected to rape and this applicant has assisted the main accused Satyam Soni, who committed rape and the applicant has also sold certain ornaments.
3. Learned counsel for the applicant submits that main allegation of commission of rape is against one Satyam Soni and only allegation against the applicant is that he provided the car on rent. She further submits that the applicant has been falsely implicated in this case and

the way the offence has been committed the allegation can not be attributed of commission of offence against 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 statement of the prosecutrix. Considering the statement of the prosecutrix and other witnesses, the children who were accompanying with the prosecutrix and further considering the fact that charge-sheet in this case has been filed, I am inclined to release the applicant on 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