

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3541 of 2016

Lala @ Meghlal Sahu, S/o. Bedram Sahu, aged about 25 years, R/o. Village Rikokala, P.S. Rajadevari, District Balodabazar – Bhatapara (C.G.)

---- Applicant

Versus

The State of Chhattisgarh, Through : the Station House Officer, Police Station – Rajadevari, District – Baloda Bazar – Bhatapara (C.G.)

---- Respondent

For Applicant : Mr. Suresh Kumar Verma, Advocate
For Respondent : Mr. Satish Gupta, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri
Order On Board

25/07/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 20/2016, registered at Police Station- Rajadevari, District – Balodabazar -Bhatapara (C.G.) for the offence punishable under Section 363, 366, 343, 368, 376, 506/34 of the Indian Penal Code and Section 17, 4, 6 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 04.05.2015 one Rajkumar abducted the prosecutrix/victim who was a minor and she was kept in captivity in the shop and co-accused Rajkumar has

committed forceful sexual intercourse with her and while she was kept in captivity in the shop the applicant along with other have assisted the main accused Rajkumar to commit such offence and the victim was locked in the shop for four days.

3. Learned counsel for the applicant submits that the main allegation of kidnapping the girl is on the co-accused Rajkumar and against this applicant the only allegation is that he has assisted the other co-accused Rajkumar to commit offence. It is further submitted that similarly placed co-accused persons in this case have been enlarged on bail by this Court in M.Cr.C.No.3667/2016 vide order dated 15.07.2016, 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, however, he do not dispute the fact that similarly placed co-accused in this case have been enlarged on bail.
5. I have heard learned counsel for the parties.
6. Perused the statement of the victim under Section 161 and 164 of Cr.P.C. After considering the statement and the role played by the applicant and further considering the fact that similarly placed co-accused persons in this case have been enlarged on bail by this Court in M.Cr.C.No.3667/2016 vide order dated 15.07.2016, 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 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