

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 4710 of 2016

1. Manikchand Kurre, S/o. Shri Tejuram Kurre, aged about 28 years, R/o. Village-Chapda, Police Station and Tahsil Odgi, District – Surajpur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : Station House Officer, Police of Police Station- Odgi, District – Surajpur (Chhattisgarh)

---- Respondent

For Applicant	: Mr. Anil Gulathi, Advocate
For Respondent/State	: Ms. Shobha Kashyap, Dy.G.A.

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22/08/2016

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.29/2016, registered at Police Station – Odgi, District – Surajpur (C.G.) for the offence punishable under Section 341, 506, 323, 363, 376 (2) (G) of the Indian Penal Code and Section 4, 6 of Protection of Children from Sexual Offences Act.
2. Case of the prosecution, in brief, is that on 08.04.2016, Bhaiyalal, Pawan along with other co-accused persons while the prosecutrix was coming back stopped her in the way and took her to the school and gang rape was committed. Thereafter one of the co-accused, Nageshwar called the present applicant, Manikchand Kurre, who assaulted the prosecutrix and thereafter left her at certain place.

Subsequently, the report was made on 10.04.2016. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that the allegation of gang rape has been attributed to the other three co-accused persons and the allegation of sexual assault has not been attributed to the present 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. Perusal of the statement of the prosecutrix would show that, the allegation of rape has been attributed to other co-accused persons and it is alleged that this applicant has assaulted by way of slap to the prosecutrix. Considering the role played by this applicant, 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