

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6975 of 2015

Veeru Singh Sardar, son of Darshan Singh Sardar, aged about 30 years, Caste Punjabi, resident of Gokul Gate Chowki, Jhajhar Road, Govindpura, Nai Abadi, near Gurudwara, Riwadi, Police Station and Tahsil Riwadi, District Riwadi (Haryana) ... **Applicant**

Vs.

State of Chhattisgarh, through the Station House Officer, Police Station Durgukondal, District North Bastar Kanker (C.G).... **Respondent**

For the applicant : Mr. D. N. Prajapati, Advocate.
For the Respondent : Mr. Neeraj Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

12.01.2016

1. This is an application filed u/s 439 of the Code of Criminal Procedure seeking granting of regular bail to the applicant in connection with Crime No. 22 of 2014 registered at Police Station Durgukondal, Distt. North Bastar Kanker (C.G) for the offences punishable under sections 365, 366, 368, 370 (3), 376, 384, 506/34 of IPC.
2. As per the prosecution case, one Ajay @ Ganesh Sharma promised prosecutrix for providing a job and took her to Delhi and other places and during such period they stayed in few of the houses wherein Ganesh Sharma committed rape on her. It is further case of the prosecution that by force, Ajay Sharma Kept prosecutrix in the house of the co-accused Jitendra @ Jeetu and one other co-accused.
3. Learned counsel for the applicant submits that initially the applicant was neither summoned in the original sessions trial case nor he was aware of the fact as to whether any criminal case has been filed against him. He further submits that other

three co-accused Piyush Bhai, Prakash Bhai and Ganesh have been acquitted by order dated 05th October, 2015. He further submits that the main allegations of commission of rape is against Ajay @ Ganesh Sharma and similarly placed co-accused Jitendra @ Jeetu has been released on bail by this Court by order dated 26.10.2015 in M.Cr.C.No.5559 of 2015, therefore, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail. However, he do not dispute the fact that similarly placed co-accused has been enlarged on bail by this Court.
5. I have gone through the acquittal order of the other co-accused and the statement of the prosecutrix which is filed along-with M.Cr.C.No.5559/2015. Having regard to the same and considering the fact that the other co-accused Jitendra @ Jeetu has been enlarged on bail by this Court and considering the fact that the applicant is stated to be in jail since 26.06.2014, without any observation on merits of the case, I am inclined to release him on bail.
6. Accordingly, this bail petition is allowed and the applicant Veeru Singh Sardar is directed to be released on bail on his furnishing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. He shall appear before the trial Court as and when directed by the said Court.
7. Cc as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**