

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5448 of 2016

- Rajnath @ Penda S/O Vijay Nath Aged About 30 Years Occupation - Labour R/O Village - Durgapara P.S. & Tahsil - Bagicha, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - A.J.K. Ambikapur, District Surguja, Chhattisgarh

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Neeraj Kumar Jain, Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-09-2016

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 on 24-03-2016 in connection with Crime No. 15 of 2016, registered at Police Station A.J.K. Ambikapur, District Surguja (CG) for the offence punishable under Sections 366, 376, 386, 506, 344, 323, 114, 109 of IPC and Section 3 (2-5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act.
2. Case of the prosecution, in brief, is that on 21-3-2016 a report was made by the prosecutrix against Ankit Gupta that she was abducted by Ankit Gupta and thereafter they stayed at forest for two days. Subsequently she was taken to the house of the present applicant by Ankit Gupta where she along with Ankit Gupta stayed for six days and during the course of such stay, Ankit Gupta used to commit forcible sexual intercourse with her.

3. Learned counsel appearing for the applicant would submit that the entire allegations have been attributed to other co-accused Ankit Gupta. The girl who is aged about 19 years went along with the other co-accused of her own and stayed in the house of the present applicant and no allegations have been attributed to the present applicant, except that he gave shelter to other co-accused and victim in his house. He would further submit that the charge-sheet has been filed in this case, the applicant is in jail since 24-3-2016 and no further investigation is necessary, therefore, he may be enlarged on bail.
4. On the other hand, learned State counsel opposes the prayer for grant of bail,
5. I have heard learned counsel for the parties, perused the case diary and other documents.
6. Perused the statement of the girl wherein no allegations have been attributed to the present applicant.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the statement of the girl and without any observation on the merits of the case, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge

Raju

