

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 5701 of 2016**

- Daddu @ Devendra S/O Santosh Thakur Aged About 26 Years R/O. Village Semharadih, P.S. Rajim, District Gariyaband Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through : Station House Officer, Police Station Rajim, District Gariyaband Chhattisgarh

**---- Respondent**

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For Applicant : Mr. Raghavendra Pradhan, Advocate

For Respondent/State : Mr. Neeraj Kumar Sharma, Dy.G.A.  
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**Hon'ble Shri Justice Goutam Bhaduri**

**Order on Board**

**21-09-2016**

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 25-5-2016 in connection with Crime No. 113 of 2016, registered at Police Station Rajim, District Gariyaband (CG) for the offence punishable under Sections 363, 366, 376(2), 506/34 of the IPC and Sections 3(A), 4, 5(1), 7 & 8 of the Protection of Children from Sexual Offences Act, 2012.
2. As per prosecution case, the applicant along with other co-accused persons took the prosecutrix to his relative house and kept her in captivity and thereafter Devendra Thakur called the applicant and took her to the house of Khuman wherein other co-accused Khuman committed sexual intercourse with her. Thereafter, family members of Khuman informed the family members of the prosecutrix that she is in their house, thereafter she was taken back.
3. Learned counsel appearing for the applicant would submit that the entire allegations of rape have been attributed to other co-accused Khuman who has been enlarged on bail on the ground that the prosecutrix was two times

in the company of Khuman and age of the prosecutrix was shown to be 17 to 19 years. He would further submit that the allegations leveled against the present applicant are less degree in nature. He would further submit that charge sheet has been filed in this case, the applicant is in jail since 25-5-2016 and no further investigation is required, therefore, he may be released 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 and have also perused the case diary and the documents.
6. Perused the statement of the victim in which no positive allegations have been attributed to the applicant.
7. Taking into consideration facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that other co-accused Khuman has been enlarged on bail vide order dated 5-9-2016 passed by this Court in M.Cr.C.No. 5185 of 2016 and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 25-5-2016, this court is 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