

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6124 of 2016

- Rama Ayam S/o Prem Gond Aged About 20 Years R/o Village- Pandari, Police Station- Raghunathnagar, District- Balrampur- Ramanujganj, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Police Station- Basantpur Ambikapur, District- Balrampur- Ramanujganj, Chhattisgarh. --- **Respondent**

For the applicant	:	Mr A. K. Yadav, Advocate
For the Respondent	:	Mr. Neeraj Sharma, Dy.Govt.Adv.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

04.10.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 82 of 2016 registered at P.S. Basantpur, Revenue & Police District Balrampur Civil District Ambikapur (C.G) for the offence punishable under Sections 363, 366-A, 376, 342, 506 read with 34 IPC and Section 4 of the Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, a report was made by the victim on 09.07.2016 that in the month of February Devi Sharan Ayam enticed away her and in order to take her away, the present applicant Rama Ayam has assisted Devisharan as the applicant used the motorcycle of the Devisharan and gave lift to the victim to leave her in the custody of Devi Sharan who committed sexual intercourse on the pretext of marriage.
3. Learned counsel for the applicant would submit that only allegation against the present applicant is that he has

assisted the accused Devi Sharan and the main allegations of rape were attributed to Devi Sharan and only allegation against the applicant is that he used the motor cycle of Devi Sharan for certain period of time. He further submits that both accused Devi Sharan and the victim girl are his relatives, therefore, taking into such allegations and facts and circumstances, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Perused the statements of victim u/s 161 & 164 Cr.P.C. A perusal of such statements would show that that applicant has only assisted the other accused in commission of offence and used the motorcycle of accused to give lift to the victim and leave her in the house of Devisharan.
6. Taking into the degree of allegations and the role played by the applicant and the main allegations of are attributed to co-accused Devisharan Ayam, I am inclined to release the present applicant on bail.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-
GOUTAM BHADURI
JUDGE