

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.6125 of 2017

- Sanjay Kumar Bargaha S/o Bihari Bargaha, Aged About 19 Years Caste Bargaha, R/o Village Mandalpara, Post Office & Police Station Baikunthpur, District Koriya Chhattisgarh.

---- Petitioner

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Baikunthpur, District Koriya Chhattisgarh.

---- Respondent

For Petitioner	:	Shri Shivendu Pandya, Advocate
For Respondents	:	Shri Chandresh Shrivastava, PL

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

28/11/2017

Heard.

2. The applicant has moved this application under Section 439 of the Cr.P.C. for grant of regular bail in connection with Crime No.151/2017 registered at Police Station Baikunthpur, District Koriya for the offence punishable under Section 363, 366, 376(2) of IPC and Section 4, 5(m), 6, 18 & 21 of Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution is that the applicant along with co-accused kidnapped a minor girl and it is alleged that the co-accused thereafter eloped along with the minor girl and later on, it is alleged that the co-accused committed rape on the prosecutrix.

4. Learned counsel for the applicant submitted that from the statement of the prosecutrix recorded under Section 164 of Cr.P.C. before the Magistrate, it is clear that the prosecutrix had an affair with the co-accused and the only role alleged to be played by the applicant is that he had gone up to the Railway Station and thereafter, the co-accused went along with the prosecutrix. He

submits that there is no allegation of rape against the applicant nor he had gone along with the co-accused to the place, where rape is alleged to have committed.

5. On the other hand, learned State counsel opposed the prayer for grant of bail on the submission that the applicant was one of the accused, who taken the minor girl to the Railway Station and thereafter, the minor girl eloped with the co-accused, as such, he is not entitled to bail.

6. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the role alleged to be played by the applicant and that the investigation is complete and charge sheet has been filed and the applicant is not likely to tamper with the prosecution witnesses, I am inclined to grant bail to the applicant.

7. Accordingly, the application is allowed. It is ordered that the applicant shall be released on bail on furnishing a personal bond of Rs.25,000/- along with two local surety of the like amount to the satisfaction of the trial Court on the condition that he shall appear before the trial Court regularly on each and every date, unless exempted.

SD/-

(**Manindra Mohan Shrivastava**)

J U D G E