

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6436 of 2017**

Ajay Diwan S/o Faguram Diwan, Aged About 21 Years R/o Village Chhatwan, Thana Rajadewari, District Balodabazar-Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Thana Rajadewari, District Balodabazar, Chhattisgarh.

---- Respondent

For the Applicant : Shri Samir Singh, Advocate.
For the Respondent/State : Shri U.K.S. Chandel P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****29.11.2017**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.33 of 2017, registered at Police Station Rajadewari, District Baloda Bazar, Chhattisgarh for the offences punishable under Sections 363, 366 and 376 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. As per the allegation, the main accused in this case is Jitendra Singh Yadav and three co-accused persons in this case have been granted bail by the Co-ordinate Bench of this Court in M.Cr.C. No.6191 of 2017 dated 27.11.2017. The case of the applicant is also similar

to that of co-accused persons – Kirit Ram Yadav, Rameshar and Faguram Deewan who have been granted bail. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant had assisted the main accused in abduction of the prosecutrix, his case is different from the co-accused persons who have been granted bail. Hence, it is prayed the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The facts of the case are that on 7.7.2017, a written complaint was given by the father of the prosecutrix Manbodhi Sahu stating that on the date of incident his daughter aged about 16 years, left the house on 4.7.2017. Later on, the prosecutrix was recovered from the custody of main accused - Jitendra Singh Yadav. In the statement of Section 164 of Cr.P.C., the prosecutrix has stated that the applicant who was present and helped Jitendra Singh Yadav in abducting her.

6. Taking into consideration the submissions made and the contents of the case diary and also the case of the co-accused persons who have been granted bail, I am of the view that this is a fit case where the applicant should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge