

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1730 of 2017

- Pradeep Maravi S/o Itwari Maravi, Aged About 18 Years R/o Bachhali Khurd, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Ratanpur, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant : Mr. Uttam Pandey, Advocate

For Respondent/State : Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

15-06-2017

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 21-9-2016 in connection with Crime No. 223 of 2016, registered at Police Station Ratanpur, District Bilaspur (CG) for the offence punishable under Section 376/34 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 20-9-2016 a report was made by the victim girl that while she along with her friend was going to her field, at that time the applicant along with other co-accused namely Anil came there on motor cycle and asked her as to where they were going. Thereafter other co-accused Anil got down from the motor cycle, caught hold of victim girl and dragged her to near shrubs, at that time the applicant who was on pillion

rider fled away. Thereafter, co-accused Anil committed rape on her and after commission of the offence victim girl saw both the accused persons standing on the road along with motor-cycle and she was forced to sit on the motor-cycle whereas present applicant sat on the motor-cycle as pillion rider thereafter she was left at her school on his motor-cycle and thereby the aforesaid offense has been committed.

3. Learned counsel appearing for the applicant would submit that the applicant has been falsely implicated in the case, he has not committed any offence and main allegations have been attributed to co-accused Anil. He would further submit that charge-sheet has been filed in this case, the applicant is in jail since 21-9-2016 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, perused the case diary and documents.
6. Perused the statements of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C., wherein main allegations have been attributed to other co-accused Anil.
7. Taking into consideration the facts and circumstances of the case and further considering the statements of the prosecutrix recorded under Sections 161 and 164 of the Cr.P.C and also the fact that charge-sheet in this case has been filed and the applicant is in jail since 21-9-2016, 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. He shall also appear before the trial Court as and when directed.
9. In view of the above, I.A.No. 1 of 2017, application for urgent hearing and I.A.No.2 of 2017, application for hearing during summer vacation stand disposed of.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge

Raju