

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2502 of 2017

Rajiv Verma S/o Late Nilkanth Verma, Aged About 28 Years R/o Behind Shitla Mandir Dangniya, Police Station- Dagniya: D.D. Nagar, Raipur, District- Raipur, Chhattisgahr.

---- Applicant

Versus

State Of Chhattisgarh Through The Station House Officer, Police Station- Dagniya: D.D. Nagar, Raipur, District- Raipur, Chhattisgahr.

---- Respondent

For Applicant	:	Shri Pradeep Singh Rathore, Advocate
For Respondent / State	:	Shri Adhiraj Surana, Dy.G.A.

Hon'ble Shri Justice P. Sam Koshy

Order On Board

15/06/2017

1. The present applicant is in jail since 01/02/2017 in connection with Crime No.31/2017 registered at police station – D.D. Nagar, Raipur, District – Raipur (CG) for the offences punishable under Sections 376, 363, 366, 323 of IPC.
2. The case of the prosecution is that the present applicant along with other co-accused person, is said to have forcefully taken the prosecutrix to the house of the co-accused – Golu Verma where, Golu Verma had physical relations with the prosecutrix and kept her in the house for the whole night on 30/01/2017. Subsequently, on the next day morning, she escaped and made a report.
3. Learned counsel for the applicant submits that a plain reading of the statement of the prosecutrix under Section 164 CrPC clearly reveals that there was no role played by the present applicant. It is submitted that the sole allegation is that when Golu Verma had forcefully taken the prosecutrix along with him, the present applicant was also standing there. Except for this allegation, there is no allegation of any overt act played by the present applicant.
4. Learned State counsel, upon due verification of the contents of the case diary

and also the statement under Section 164 CrPC of the prosecutrix, admits this contention.

5. Considering the facts and circumstances of the case, this Court is of the opinion that it is a fit case for grant of bail.

6. Accordingly, the bail application filed under Section 439 of CrPC is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- with two sureties in the like sum to the satisfaction of the concerned Court for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(P. Sam Koshy)
V. JUDGE