NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5813 OF 2017

Krishna Kumar @ Krishna Yadav, S/o Pran Singh Yadav, aged about 18 years, 6 months, R/o village Arjuni, PS Sakti, District Janjgir Champa (CG).

… Applicant

Versus

State of Chhattisgarh, through Station House Officer, Police Station, AJK, Janjgir, District Janjgir Champa (CG).

… Respondent

For Applicant	:	Shri Pushkar Sinha, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy.GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

27/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 12.07.2017 in connection with Crime No. 258 of 2017 registered at Police Station AJK, Janjgir, Distt. Janjgir Champa, for the offence punishable under Sections 363,366 and 376-D IPC, Sections 5 (Tha) and 6 of the POCSO and Section 3(2)(5) of the SC & ST Act.

2. As per prosecution case, the present applicant and co-accused Kiran Yadav is said to have abducted the prosecutrix, a minor girl aged about 14 years and 10 months, and is said to have taken the girl in the forest where the co-accused Kiran Yadav is said to have raped the prosecutrix. Subsequently, she was again taken to the house of one Rakesh Yadav where again she was raped by co-accused Kiran Yadav.

3. Learned Counsel for the applicant submits that the only allegation against the present applicant is that of accompanying the co-accused. It is a case where the co-accused and the prosecutrix had some sort

of relationship and that they were known to each other since long and only for this reason he had accompanied them and that there is no overt act attributed against the applicant in the commission of the offence, and therefore he may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that it is a case where the applicant had assisted the co-accused Kiran Yadav in taking the prosecutrix to different places and where the co-accused Kiran Yadav is said to have raped the prosecutrix, and therefore the applicant may not be enlarged on bail.

5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of the fact that the present applicant was driving the motorcycle when the co-accused Kiran Yadav had taken the prosecutrix along with him, there is no allegation of any force, coercion or any misconduct committed by the present applicant against the prosecutrix as also there is no overt act attributed against the applicant. Thus, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.

6. Accordingly, the application for grant of bail is allowed. It is directed that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge

inder