

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 57 of 2018**

Dwarka Ratre S/o Narayan Ratre, Aged About 19 Years Caste Satnami Occupation Agriculture R/o Village Nathunavagaon, Post / Police Station Dongargaon District Rajnandgaon Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through The District Magistrate Police Station Dongargaon District Rajnandgaon Chhattisgarh.

---- Respondent

For the Applicant : Shri S.S. Baghel, Advocate.
For the Respondent/State : Ms. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.03.2018**

Heard.

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.224 of 2017, registered at Police Station – Dongargaon, District - Rajnandgaon, Chhattisgarh for the offence punishable under Sections 365, 366 and 376/ 34 of the Indian Penal Code.

2. Learned counsel for the applicant submits that the applicant is in jail since 8.12.2017 and he has been falsely implicated in this case. According to the prosecution case, the only allegation against the applicant is that he helped the main accused – Leela Das in abduction of the prosecutrix. The applicant is ready to abide by all the conditions that may be imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. The applicant has played an active role according to the statement given by the prosecutrix before the police. Hence, the applicant is not entitled for grant of bail.

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

5. According to the prosecution case, on the date of incident the applicant and main accused – Leela Das abducted the prosecutrix. This applicant was driving the motorcycle but he left the main accused and the prosecutrix in the railway station, from there main accused – Leela Das took the prosecutrix to Nagpur where he forcefully performed marriage with her and thereafter, established physical relation with her. According to the statement of the prosecutrix, she made her escape and after coming back to Rajnandgaon, she has lodged FIR against the main accused. Hence, this case.

6. Considering the nature of the allegation against the applicant, the fact that he was not involved in the rest of the offence committed by the main accused person and also looking to the tender age of this applicant, I am of the considered view that the present is a fit case where the applicant should be benefited with grant of 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 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, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi