

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****Misc. Criminal Case No. 232 of 2018**

Rajesh Yadav S/o Mitra Bhawan Yadav, aged about 18 years, R/o
village Mudapara, Tahsil Pathalgaon, District Jashpur (CG)

---- Applicant**Versus**

State of Chhattisgarh through the Station House Officer, Police
Station Kapu, District Raigarh (CG)

---- Respondent

For Applicant	:	Shri Awadh Tripathi, Advocate
For Respondent/State	:	Smt. M. Asha, Panel Lawyer

Hon'ble Shri Justice P. Sam Koshy**Order On Board****07/03/2018**

This is the first bail application filed u/s 439 of Cr.P.C. for grant of bail to the applicant who is in jail since 25.11.2017 in connection with Crime No. 83/2017 registered at Police Station Kapu, District Raigarh (CG) for the offence punishable under Sections 363, 366, 376 of IPC and 4 & 6 of the POCSO Act.

2. The case, as per the prosecution, against the present applicant is that he in connivance with other accused persons is said to have forcefully abducted the prosecutrix, a minor girl and taken her to a remote area where co-accused Dinesh Yadav is said to have ravished her.

3. Counsel for the applicant submits that a perusal of the entire contents of the FIR and the case diary would reveal that except for the role of the applicant accompanying the main accused there is no allegation of any overt act made by the applicant or the applicant having ravished the prosecutrix in any manner. He submits that the only allegation which can

be made out is of helping the main accused Dinesh in forcefully taking the prosecutrix into the Scorpio car on the date of accident. He further submits that the applicant himself is a boy aged around 18 years, therefore, considering the age of the applicant and the role played by him, the applicant may be released on bail.

4. However, opposing the bail application State counsel submits that considering the age of the prosecutrix and the role played by each of the accused persons and the gravity of the offence, the present applicant does not deserve to be released on bail.

5. Having heard the contentions put forth on either side and on perusal of record what clearly reflects is that the present applicant is not the accused who had ravished the prosecutrix. The only piece of allegation against the applicant that too in the FIR is that he had assisted the main accused in forcefully getting the prosecutrix into the Scorpio Jeep. Moreover, in the 164 statement there is no such allegation against the applicant. Given the nature of allegation and also considering the age of the present applicant, this Court is of the opinion that prima facie, a strong case for grant of bail is made out.

6. Accordingly, the application for grant of bail is allowed. It is directed that the present Applicant will 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 before the said Court as and when directed.

Sd/-
(P. Sam Koshy)
JUDGE