

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 452 of 2018

- Siyamber Rajwade S/o Ramlakhan Rajwade, Aged About 28 Years, R/o Village Premnagar, Manjhapara, P.S. Premnagar, District Surajpur, Chhattisgarh. , Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh through the Station House Officer Police Station Premnagar, District Surajpur, Chhattisgarh. , Chhattisgarh

---- Non-applicant

For Applicant – Shri Shakti Raj Sinha, Advocate.

For Non-applicant/State – Shri Vinod Tekam, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

20-03-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 08-09-2017 in connection with Crime No.99/2017 registered at P.S. Premnagar, District Surajpur, Chhattisgarh for the offence under Section 363/34, 366(A), 506 Part-II of the IPC and Section 12 of POCSO Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The only allegation against this applicant is this, that he has helped main accused Ajay in abducting the minor prosecutrix in this case, whereas, the statement in FIR itself shows that the applicant was the person who gave the whereabouts of the prosecutrix to the parents of the prosecutrix. The applicant is in jail since 08-09-2017. He is ready to abide by all the conditions to be imposed on grant of bail. Hence, it is prayed that the applicant may be released on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that charges have been framed under Section 363, 366(A), 506

Part-II, 34 of the IPC and Section 12 of the POCSO Act. Looking to the role played by this applicant in commission of the offence in this case, he is not entitled for grant of bail.

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

5. According to the written complaint given by complainant Bhupendra, father of the prosecutrix, the prosecutrix was abducted by main accused Ajay with the help of this applicant on 03-09-2017 and thereafter the prosecutrix was kept in confinement in the house of the co-accused Ajay uptill 07-09-2017. After coming to know the whereabouts of the prosecutrix, the recovery of the prosecutrix was made on 08-09-2017 by the police. The age of the prosecutrix in this case is below 16 years.

6. Considered on the submissions made and the contents of the case diary.

7. On perusing the case diary, the role played by this applicant seems to be only to this extent that he has helped the main accused in abduction of the minor prosecutrix and thereafter he was not present in commission of other offences. Hence, looking to this state of things, I am of this view that this applicant should be released on bail during pendency of the trial against him.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge