

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 876 of 2018

- Surendra Kumar S/o Keshwar Khairwar, Aged About 20 Years, R/o Fatehpur, P.S. Chalgali, District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station Shankargarh District Balrampur-Ramanujganj Chhattisgarh, District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State –Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

03-04-2018

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 17-09-2017 in connection with Crime No.66/2017 registered at P.S. Shankargarh, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 365, 366, 376, 115, 120-B of the IPC; Section 3(2-5) & 3(2)(v-क) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 17-09-2017. No role has been played by this applicant in commission of offence of rape or abduction with respect to the prosecutrix in this case. Main accused Ashish Yadav who is alleged to have committed offence of rape has been granted bail by this Court in MCRC No.416 of 2018 vide order dated 27-03-2018. Hence, this applicant may also be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

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

5. According to the prosecution case, on 15-09-2017 the prosecutrix was abducted by main accused Ashish Yadav and then she was carried in a Bolero vehicle, in which, this applicant was one of the co-passengers. Later on, the main accused Ashish Yadav by force took the prosecutrix on a bike and committed rape with her. After lodging of the FIR, the case has been registered against this applicant.

6. Considered on the nature of allegation against this applicant and the fact that co-accused Ashish Yadav has been granted bail by this Court for the reason that the prosecutrix herself has filed an affidavit before the concerned Court making statement of no objection for grant of bail to the main accused persons. No purpose would be served if this applicant is kept in detention continuously till conclusion of the trial, hence, I am of this view that this applicant should be released on bail during pendency of the trial against him.

7. 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.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge