

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7351 of 2017**

Sanet, S/o. Kishnu Paikra, Aged About 32 Years, R/o. Village -Ghughrikala, P.S. -Shankargarh, District Balrampur-Ramanujganj, Chhattisgarh (P.S. wrongly mention in impugned order.

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station – Shankargarh, District Balrampur - Ramanujganj, Chhattisgarh

---- Respondent

For Applicant : Mr. A.K. Yadav, Advocate

For Respondent/State : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**15/01/2018**

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.66/2017, registered at Police Station – Shankargarh, District – Balrampur – Ramanujganj (C.G.) for the offence punishable under Section 365, 366, 376 & 34 of Indian Penal Code and Section 3 (1) (12) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant was just employed as driver of the vehicle, which was hired by the main accused Ashish Yadav and the applicant was driving the vehicle according to his instruction, in which the prosecutrix was given lift by the main accused person. No offence has been committed by the applicant, therefore, it is prayed that he may be released on bail.
3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the applicant has assisted the main accused in abducting the prosecutrix, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that on the date of incident, when the prosecutrix was waiting for bus, main accused arrived at the spot in vehicle (Bolero) on which the prosecutrix was made to sit forcefully by the main accused Ashish Yadav. The vehicle broke-down in the Nala, co-accused Ashish Yadav left the vehicle along with the prosecutrix and then he committed rape with her.
6. Considered the submissions made and the contents of the case diary. Taking into consideration, the role as alleged to have been played by the applicant and the evidence i.e. to be proposed against him for the trial, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram