

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C No. 1052 of 2018

- Fuleshwar Sen S/o Ghasiram Sen Aged About 23 Years R/o Village Baanskot, Chowki Baanskot, District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Choki Baanskot, Police Station Vishrampuri, District Kondagaon Chhattisgarh, District : Kondagaon, Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Ravi Kumar Bhagat, Advocate.
For the Respondent/State	:	Ms. Smita Ghai, PL

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12.04.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant, who has been arrested in connection with Crime No. 43/2017, registered at Police Station -Outpost- Baanskot, District – Kondagaon, (C.G), for the offences under Section 506, 366, 343, 376, 120 B of the Indian Penal Code.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case and he is in jail since 13.05.2017. The only role attributed to the applicant, according to the prosecution case is this that he helped to call the prosecutrix out of her house and it was after that the main accused -(Suryakant Sahu) along-with (Ugrasen Badbasiya) abducted the prosecutrix and, thereafter, she was raped by them. Hence, the offence is made out on the part of this applicant would under IT Act, alone. The applicant is ready to abide by all the conditions which may be

imposed while granting bail to the applicant, hence, it is prayed that the applicant be released on bail.

3. Learned counsel for the State opposes the bail application and submits that there is a sufficient evidence to prosecute the applicant for the offences registered against him, hence, no case is made out for grant of bail.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case that this applicant had prepared a video of the prosecutrix while she was taking bath. This applicant played the video before the prosecutrix and threatened her that if she does not want it to be made viral she should obey him. On the basis of that threatening the applicant called the prosecutrix out of her house on the date of incident and subsequent to that she went out of his house. She was abducted by the other co- accused persons and, thereafter, she was taken to another place in Odissa and raped.
6. The name of this applicant has not appeared in the commission of rest of the offences, considering the nature of allegation against this applicant, I am of the view that it is a fit case where the applicant should be released on bail.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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