

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8179 of 2017**

Nayan Bhoi S/o Nakul Bhoi, Aged About 33 Years R/o Bastipara Baya, P. S. Rajadevri, District Balodabazar Bhatapara Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through Station House Officer, Police Station Rajadevri, District Balodabazar Bhatapara Chhattisgarh.

---- Respondent

For the Applicant	:	Shri C.R. Sahu, Advocate
For the Non-applicant	:	Ms. M. Asha, Panel Lawyer

Hon'ble Shri Justice Sharad Kumar Gupta

Order On Board**01/03/2018**

1. This is the first bail application under Section 439 of the CrPC and there is no bail application is pending before any other Court.
2. Perused the case diary provided by the learned counsel for the State in connection with the Crime No. 33/2017 registered at Police Station Rajadevri, District Balodabazar Bhatapara (C.G.) for the offence punishable under Sections 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of Protection of Children from Sexual Offence Act, 2012.
3. Case of the prosecution, in brief is that date of birth of the prosecutrix is 02/10/2001. She is resident of Village Chhatwan. She was in love relation with co-accused Jitendra Yadav. They were agree to perform the marriage. On 03/07/2017 by 01.00 a.m. prosecutrix left her house and went to village town thereafter they went to Village Baya by

motorcycle of the applicant. In Village Baya the friends of the applicant were present along with the Scorpio vehicle. Thereafter they went to the forest. In the forest in a house co-accused Jitendra committed forcibly sexual intercourse with the prosecutrix. Applicant and other friends have assisted co-accused Jitendra Kumar in an offence of kidnapping of the prosecutrix.

4. Other co-accused namely Kirit Ram, Rameshar and Faguram have already been enlarged on bail by this Court vide order dated 27/11/2017 and the case of the applicant is not different from those persons namely Kirit Ram, Rameshar and Faguram.
5. Learned counsel for the applicant argued that charge-sheet has been filed and applicant is in jail since 17/08/2017, thus he may be released on bail.
6. On the other hand, learned counsel for the State opposes the bail application.
7. Looking to these circumstances and other facts of the case, the applicant is in jail since 17/08/2017, charge-sheet has been filed and other co-accused has already been granted bail, this Court is inclined to give the benefit of Section 439 of the Cr.P.C. to the present applicant.
8. Consequently, the bail application filed under Section 439 of the Cr.P.C., is allowed.
9. It is directed that if the applicant furnishes two solvent sureties for a sum of Rs.10,000/- along with a personal bond in the like sum to the satisfaction of the concerned Court with the condition that he will appear before the trial Court at 11.00 am as and when directed till trial

and he would cooperate during the trial, he shall be released on bail.

10. Certified copy as per rules.

Sd/-
(Sharad Kumar Gupta)
Judge

Kamde