

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1464 of 2018

- Motiram S/o Shri Chandrika Prasad Sahu Aged About 37 Years R/o- Village- Doma, P.S. - Mujgahan, District- Raipur, Chhattisgrh., District : Raipur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- P.S.- Mujgahan, District- Raipur, Chhattisgarh., District : Raipur, Chhattisgarh

---- Respondent

For Appllicant	:	Shri J.K.Gupta, Advocate
For Respondent/State	:	Shri Vaibhav Goverdhan, P.L.

Hon'ble Shri Justice Pritinker Diwaker

Order On Board

13/04/2018

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No. 263/2017 registered at police station Mujgahan, District Raipur (CG) for the offence punishable under Sections 376(2)(g) of the IPC and Section 6 of the Protection of Children from Sexual Offences Act.

Counsel for the applicant contends that it is the main accused Deva Yadav who has committed the offence with the prosecutrix and as incidentally the applicant reached to the place of occurrence, he too has been made accused. It has been argued that no role whatsoever has been assigned to the applicant but for the fact that as per statement of the prosecutrix the applicant reached there and was present. Lastly it has been argued that the applicant is in jail since 1.12.17 and the trial may take

sometime for its final disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, particularly the nature of allegation against the applicant and the role attributed to him, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of each of the applicant's furnishing a personal bond of Rs. 2,00,000/- with one surety in the like sum to the satisfaction of the concerned Magistrate for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Pritinker Diwaker)

Judge