

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1385 of 2018

- Remeniyus Kujur S/o Late Shanichar @ Rafail Aged About 37 Years Caste- Uraon, R/o Bangaon, P.S. And Tehsil - Duldula, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station Duldula, District- Jashpur, Chhattisgarh., District : Jashpur, Chhattisgarh.

---- Respondent

For the Applicant : Rakesh Pandey, Advocate.

For the Respondent/State : Shri Anant Bajpai, PL.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18.04.2018

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. 70/2017, registered at Police Station -Duldula, Jashpur, District– Jashpur, (C.G), for the offences under Sections 376 D, 342, 34 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 19.11.2017. After completion of investigation the charge-sheet has been filed. As the allegation made by the prosecutrix is only against the main accused- (Dilip Kujur), therefore, no case is made out against the present applicant. 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 may be released on bail.

3. Learned counsel for the State opposes the application and the submissions made in this respect. It is submitted that two more cases are registered against this applicant, one is under the provisions of Cr.P.C and another is under Section 25 Arms Act, which shows that he is a habitual offender and he had been a company to the main accused- (Dilip Kujur), who is the history sheeter and habitual offender, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for the parties and perused all the documents placed on record.
5. According to the prosecution case, on the date of incident the prosecutrix was in inebriated condition and she was taking rest in the house of Piyush Tigga, it was at that time the main accused- (Dilip Kujur), came inside the room and raped the prosecutrix. The allegation against this applicant is this that he was present at the time of incident, but he did not make any attempt to help the prosecutrix.
6. Considering the submissions made by learned counsel, contents of the case diary and looking to the facts of this case, I am of the view that it is a fit case where the applicant is entitled for grant of bail.
7. Accordingly, the bail application under Section 439 of Cr.P.C is allowed and it is directed that the applicant shall be released on his furnishing personal bond for a sum of Rs. 25,000/- with one surety in the like sum to the satisfaction of concerned trial court for his appearance as and when directed.

Sd /-

(Rajendra Chandra Singh Samant)
Judge