

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5476 of 2017**

Mahendra Sahu, S/o. Mishrilal Sahu, Aged About 41 Years, R/o. Mangdukachora, Tahsil + Place Jagdalpur, District - Bastar, Chhattisgarh

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Chowki Banskot, Police Station Vishrampuri, District - Kondagaon, Chhattisgarh

---- Respondent

For Applicant : Mr. Alok Kumar Dewangan, Advocate

For Respondent/State : Mr. Wasim Miyan, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**08/01/2018**

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.43/2017, registered at Police Station – Vishrampuri, District – Kondagaon (C.G.) for the offence punishable under Section 506, 366, 343, 376, 120-B of the Indian Penal Code.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. Applicant is in jail since 13.05.2017. The main allegations of abduction and committing rape in this case is against Suryakant Sahu, the only allegations

against this applicant is that that he and father of the co-accused were talking to dispose off the prosecutrix which is totally imaginary and baseless allegation against him. It is submitted that the main accused Suryakant @ Sagar Sahu and the prosecutrix had love affair and on account of this reason, the prosecutrix had eloped with him, which has resulted in lodging of FIR against the accused persons. It is further submitted that the applicant is ready to abide by all the conditions while granting bail, therefore, it is prayed that the applicant may be released on regular 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 applicant is charged with conspiring with the father of the co-accused to cause death and dispose off the body of the prosecutrix, hence, the offence charged against him is of grievous nature, 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. Prosecutrix lodged FIR on 12.05.2017 alleging that one Fuleshwar Singh had in his possession a video, in which the prosecutrix was taking bath. On the basis of this vedio, he forced the prosecutrix to obey his command and then the co-accused persons put the prosecutrix under threat, abducted her and took her to place in Orissa, where she was raped by them over about three days continuously and they kept her confined inside the room. Subsequent to that, the applicant and father of the co-accused came to the spot of the incident and prosecutrix overheard their conversation about killing and

disposing off the dead body of the prosecutrix and then she made her escape.

6. Considered on the submissions made and the contents of the case diary. As it appears that applicant has no previous criminal antecedents and he is local resident of District – Bastar, his presence before the trial Court can be ensured by imposing conditions, hence, for this reason, 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