

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2783 of 2018**

Hemant Rajwade, S/o. Shobhit Rajwade, Aged About 21 Years, R/o- Village Chikladih, P.S. Gandhinagar, District- Surguja, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh Through- Police Station Ambikapur, District- Surguja, Chhattisgarh.

---- Respondent

For Applicant : Mr. C.J.K. Rao, Advocate

For State/respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**26/06/2018**

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.18/2018, registered at Police Station – Ambikapur, District – Surguja (C.G.), for the offence punishable under Section 363, 366-A, 354-A of the Indian Penal Code and Section 7, 8, 18 of Protection of Children from Sexual Offences Act, 2012.
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 17.02.2018. Charge-sheet has been filed after completion of

investigation. No case is made out on the basis of the material present in the charge sheet. Apart from that the main accused in this case has been granted bail by the Coordinate Bench of this Court vide order dated 21.05.2018 in M.Cr.C. No.2256/2018. Therefore, it is prayed that the applicant may also be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. As per the prosecution case, on the date of incident this applicant along with co-accused Sanjay Kumar Rajwade abducted the minor prosecutrix and kept her in confinement in a hotel, then she was searched by her parents and others and she was found. Hence, the incident terminated at that stage.
6. Considered on the submissions made and the contents of the case diary. After due consideration of all the material present in the charge-sheet and also taking into consideration the notice of the fact that main accused in this case has been granted bail, 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

Balram