

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**MCRC No. 2697 of 2018**

Ranjit Baghel, Aged About 20 Years, S/o Budhram Baghel, R/o Gram
Tihuladih, P. S. Takhatpur, Distt. Bilaspur, Chhattisgarh

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station - Takhatpur, District-
Bilaspur, Chhattisgarh

---Respondent

For applicant : Shri Raj Kumar Gupta, Advocate.

For resp./State : Shri Majid Ali, Dy. G.A.

Hon'ble Shri Justice P. Sam Koshy

Order on Board**25/05/2018**

1. The present is the second bail application preferred under Section 439 of the Cr.P.C. in connection with Crime No.392 of 2017 registered at Police Station Takhatpur, District Bilaspur for the offence punishable under Sections 363, 366(A), 376/34 of the I.P.C. and Sections 4, 16 and 17 of the Prevention of Children from Sexual Offences Act, 2012. The first bail application (M.Cr.C. No.8101 of 2017) moved before this Court was dismissed as withdrawn on 12.3.2018. The applicant is in jail since 13/10/2017.

2. Case of the prosecution, in brief, is that a written complaint was submitted before Police Station Takathpur by the prosecutrix, aged about 12 years alleging that on 23.09.2017 at about 11:30 PM, she went out of home to attend the call of nature. At that time, co-accused Dilip Baghel came there, gagged her mouth and took her away with him. Present applicant Ranjit Baghel was already present there on a motorcycle. Both of the accused forcibly took her away on the motorcycle towards Nagoi. On the way, present applicant Ranjit Baghel left the prosecutrix and co-accused Dilip Baghel and went away.

3. Learned Counsel appearing for the applicant submits that main accused Dilip Baghel has already been released on bail vide order dated 03.04.2018 passed by this Court in M.Cr.C. No. 951/2018. Case of the present applicant is much better than the main accused. He further submits that in her Court statement, the prosecutrix has not supported the case of the prosecution and she has been declared hostile. Her brother Chaituram has also not supported the case of the prosecution and he has also been declared hostile. The present applicant is in jail since 13.10.2017. Therefore, he may be released on bail.

4. Learned counsel appearing for the State opposes the bail application.

5. Having heard learned counsel appearing for the parties and perused the record, I am of the opinion that prima facie, a strong case has been made out for grant of bail to the present applicant.

6. Accordingly, the application for grant of bail is allowed.

7. It is ordered that the applicant shall be released on bail on his executing a personal bond for a sum of Rs. 20,000/- with one surety in the like sum to the satisfaction of the concerned Trial Court. The applicant shall thereafter appear before the Trial Court on each and every date as are given to him by the said court.

Sd/-
(P. Sam Koshy)
Vacation Judge