

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2636 of 2018

- Badhei @ Sonu S/o Sohan Aged About 25 Years R/o Village Raikela P.S. And Tahsil Lundra District Surguja Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station Lundra District Surguja Chhattisgarh,

---- Non-applicant

For Applicant : Shri Jitendra Shrivastava, Advocate.

For Non-applicant : Ms. K. Tripthi Rao, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

18/05/2018

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.34/2018 registered at Police Station– Lundra, District Surguja for the offence punishable under Sections 341, 506, 323, 368, 376 of the Indian Penal Code.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. The allegation against the Applicant is that he has given shelter to the main accused-Lala. The prosecutrix is a major girl and she kept travelling with main accused from Champa to Nagpur which shows the consent part of the girl. Hence, it is prayed that applicant be enlarged on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect is that on 14.02.2018, the prosecutrix was

abducted by the main accused-Lala with the help of present Applicant. The main accused has committed the offence of rape with the prosecutrix till she was recovered on 23.02.2018 and thereafter the FIR was recorded. As such, no case is made out for grant of bail. Hence, he is not entitled for grant of regular bail.

4. Heard learned counsel for both the parties and perused the case diary.
5. Taking into consideration the facts and circumstances of this case that the allegation of rape is specifically against the co-accused Lala and there is no allegation of rape against the present Applicant, I am of the opinion that this is a fit case where applicant should be released on regular bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge