

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2755 of 2018**

1. Bajrangi, S/o. Baran Lal, Aged About 47 Years, Caste Satnami,
2. Milan, S/o. Aran, Aged About 55 Years, Caste -Satnami,
Both R/o. Village Hardi, Tahsil Jaijaipur, P.S. Sakti, District Janjgir
-Champa, Chhattisgarh.

---- Applicants**Versus**

State Of Chhattisgarh, Through : The District Magistrate, District Janjgir
Champa Chhattisgarh.

---- Respondent

For Applicant : Mr. Ishwar Jaiswal, Advocate

For State/respondent : Mrs. Smita Ghai, 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 applicants, who have been arrested in connection with Crime No.374/2017, registered at Police Station – Dabhara, District – Janjgir-Champa (C.G.), for the offence punishable under Section 363, 366, 376 of the Indian Penal Code and Section 4 & 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. Applicants are in

jail since 27.03.2018. Charge-sheet has been filed after completion of investigation. No case is made out against them on the basis of the material present in the case diary. Hence, it is prayed that they may 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, the minor prosecutrix was abducted by the main accused Luthesh, who happens to be son of the applicant No.1 – Bajrangi with the assistance of these applicants. The prosecutrix was brought to the house of the applicant No.1- Bajrangi, where she was kept in confinement for almost 8 months. In between the main accused Luthesh committed sexual intercourse with the prosecutrix on various occasions, which amounts to offence of rape.
6. Considered on the submissions made and the contents of the case diary. As the case is before the trial Court and according to the allegation against the applicants is that they had been only the facilitator for commission of offence and the offence is committed by the main accused Luthesh, hence, for this reason, this Court is of the opinion that present is a fit case, in which, the applicants 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 applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each 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