

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2981 of 2018

- Ugrasen Badbasiya S/o Balram Badbasiya, Aged About 20 Years, Caste- Kalar, R/o- Village Banskot, Post Banskot, Thana Vishrampur, District- Kondagaon, Chhattisgarh., District : Kondagaon, Chhattisgarh

---- Applicant

Versus

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

---- Non-applicant

For Applicant – Shri Alok Dewangan, Advocate.

For Non-applicant/State – Shri Majid Ali, Deputy Govt. Advocate.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

28-05-2018

1. This is the first bail application filed under Section 439 of the Cr.P.C. before this Court for grant of regular bail to the applicant who has been arrested on 13-07-2017 in connection with Crime No.43/2017 registered at Police Station Vishrampur, District- Kondagaon, Chhattisgarh for the offence under Section 366/120B, 343/34, 506B of the IPC.

2. As per the prosecution case, a report was made by the prosecutrix that one of co-accused Fuleshwar Sen was having video clip wherein the prosecutrix was shown having taking bath, on that pretext the prosecutrix was subjected to blackmail and she was taken to Orissa and thereafter she was subjected to rape. It is alleged that the present applicant has helped in commission of rape by co-accused Suryakant Sahu and also helped to take the girl away.

3. Learned counsel for the applicant submits that the entire allegation attributed is fabricated. The girl stated on her own that she eloped with Suryakant Sahu with whom she was in love relation. It is further submitted that co-accused persons in this case have been enlarged on bail and the present

applicant has similar case to that of the co-accused persons. Hence, it is prayed that the applicant may also be enlarged on bail.

4. Learned counsel for the State/non-applicant opposes the application. However, he does not oppose the fact that other co-accused have been enlarged on bail against whom allegations are similar.

5. Heard learned counsel for the parties and perused the case diary.

6. Taking into consideration all the facts and circumstances of the case and the fact that other co-accused persons have been enlarged on bail, I am of this view that this applicant should also be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is hereby allowed.

8. It is directed that the 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 Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Vacation Judge