

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7739 of 2017**

Baba @ Sapan Das, S/o. Late Pradeep Das, Aged About 30 Years, R/o. Quarter No. H. N. 555, Mahaveer Nagar, New Purena, Amlidih New Raipur, District -Raipur Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through : Police Station, Tikrapara Raipur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Mateen Siddiqui, Advocate
For Respondent/State	: Mr. Vijay Bahadur Singh, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**20/02/2018**

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.135/2017, registered at Police Station – Tikrapara, District – Raipur (C.G.) for the offence punishable under Section 363, 368, 370, 372, 376, read with Section 34 of the Indian Penal Code and Section 3 (1) (B), 3(2)(5) of S.T. & S.C. Act and Section 3, 4, 5, 6 of P.O.S.C.O. Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. No case is made out on the basis of the material present in the charge-sheet filed against him. Prosecutrix has given statement before the Court making

admission that applicant has no participation in with the crime committed. Applicant is in jail since 10.04.2017, he is local resident of District – Raipur and ready to abide by all the conditions imposed for grant of bail, therefore, it is prayed that the applicant 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. It is submitted that serious allegations are against this applicant that he worked as pimp bringing customer for the prosecutrix in this case, who in turn indulged in committing the offence of rape with the prosecutrix, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The prosecution case in brief is that the prosecutrix left her house and started living with co-accused Sapana Sarkar, Sukanti @ Manju, Harpal and Gudiya Gautam. All these co-accused persons compelled the proecutrix to indulge in the business of prostitution. The allegation against this applicant is that he used to bring customers in the said prostitution business.
6. Considered the submissions made and the contents of the case diary. As the charge-sheet in this case has been filed and the trial against the applicant is not completed so far, there is no criminal antecedent of this applicant and also taking into consideration all the facts and circumstances of this case, 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