

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4184 of 2018**

Ramchandra Mina, S/o. Nehrulal Mina, Aged About 28 Years, R/o.- Village-Bolai, Thana Aapodiya, District- Sajaipur (M.P.) At Present R/o- Village Aamtala, Thana Taleddeh, District- Siroi (Rajsthan).

---- Applicant

Versus

State Of Chhattisgarh, Through- P.S. Saria, District- Raigarh, Chhattisgarh.

---- Respondent

For Applicant	:	Ms. Sharmila Singhai, Advocate
For Respondent	:	Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

10/07/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No. 159/2016, registered at Police Station- Saria, District – Raigarh (C.G.) for the offence punishable under Section 363, 366, 376, 368 of the Indian Penal Code and Section 4, 6 of the Prevention of Children from Sexual Offence Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The only allegation against this applicant is this that he has given shelter to the main accused Goverdhan, who had kept the prosecutrix in confinement in the house of this applicant. This applicant has no role to play in the concerned offence of abduction and rape of minor prosecutrix. Similarly placed co-accused has been enlarged on bail by this Court. Hence, it is prayed that the applicant may also be enlarged on bail.

3. On the other hand, the learned counsel appearing for the State opposes the bail application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the case of the prosecution, the minor prosecutrix was abducted by Ishwari Saha and Rajesh Mina, who forced her to marry with one Goverdhan, who committed rape with her. Later on Goverdhan took the prosecutrix and stayed in the house of this applicant for about 2-3 months. Hence this applicant has been arrested in this case.
6. Considered the submissions made and the contents of the case diary. Considering on entire material present in the case diary and looking to the fact that similarly placed co-accused persons in this case have been enlarged on bail, 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 Cr.P.C. is allowed.
8. 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge