

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 4485 of 2018**

Ludram @ Rudhar Meena, S/o. Phool Singh, Aged About 23 Years, R/o. Village Khadapdi, P. S. Mardapal, District Kondagaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : The Police Station Narayanpur, District Narayanpur Chhattisgarh.

---- Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate
For Respondent	:	Mr. Anant Bajpai, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/07/2018**

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. 74/2017, registered at Police Station- Narayanpur, District – Narayanpur (C.G.) for the offence punishable under Section 376 (D) of I.P.C. and U/s. 4, 6, 17 of the Protection of Children from Sexual Offences Act and Section 67 (B) of the Information and Technology Act, 2000.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. In-fact, the applicant should have been witness in this case, who has been arrayed as an accused. Similarly placed co-accused Dhaneshwar in this case has been enlarged on bail by the Coordinate Bench of 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, at the time when the prosecutrix was being raped by main accused persons Dinesh and Bindesh and another co-accused was preparing a video, this applicant along with another co-accused was peeping from the window. Hence, this case.
6. Considered the submissions made and the contents of the case diary. After due consideration on all the material present in the case diary and further taking into consideration this fact that similarly placed co-accused person has 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