

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4568 of 2018

- Ramkumar @ Rabhku Sahu S/o Mohan Sahu, Aged About 36 Years, R/o- Village- Churki, Thana- Khallari, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station House Officer- Thana- Khallari, District- Mahasamund, Chhattisgarh., District : Mahasamund, Chhattisgarh

----Non-applicant

For Applicant – Shri Deepak Jain, Advocate.

For Non-applicant/State – Shri Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

18-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 03-05-2018 in connection with Crime No.85/2018 registered at P.S. - Khallari, District- Mahasamund, Chhattisgarh for the offence under Section 363, 366, 376/34 of the IPC, and U/s 4 of Protection of Children from Sexual Offences (POCSO) Act, 2012 and U/s 3(2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 [(wrongly mentioned in the impugned order U/s 3(1)(5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989].

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 03-05-2018. No case is made out against him according to the statement given by the prosecutrix under Section 164 of the Cr.P.C. Hence, it is prayed that the applicant may be released on regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has helped the main accused in abducting the

minor prosecutrix, hence, he is not entitled for grant of bail.

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

5. As per the prosecution case, it is alleged that main accused expressed his love with the minor prosecutrix and then with the help of this applicant he abducted her and thereafter committed offence of rape. Hence, this case.

6. Considered on the material present in the case diary and also perused the statement of the prosecutrix under Section 164 of the Cr.P.C and considering on the allegation against this applicant, I am of this view that he should be granted regular bail.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge