

**NAFR**

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 4759 of 2018**

- Mahesh S/o Rajendra Diwakar, Aged About 21 Years, R/o- Village- Mandhar Kala, Police Station- Simga, District (Revenue & Civil)- Balodabazar- Bhatapara, Chhattisgarh., District : Balodabazar- Bhathapara, Chhattisgarh

**---- Applicant**

**Versus**

- State Of Chhattisgarh Through- Police Station- Simga, District (Revenue & Civil)- Balodabazar-Bhatapara, Chhattisgarh., District : Balodabazar- Bhathapara, Chhattisgarh

**----Non-applicant**

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For Applicant – Shri Sumit Jhawar, Advocate.

For Non-applicant/State – Shri N.K. Mehta, Panel Lawyer.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order on Board**

**30-07-2018**

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 09-05-2018 in connection with Crime No.128/2018 registered at P.S. - Simga, District (Revenue & Civil)- Balodabazar-Bhatapara, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC and 04 of POCSO Act.
2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 09-05-2018. No case is made out against him. It is further submitted that the only allegation against this applicant is this, that he provided shelter to main accused Doulat Ram, hence, on this basis it is prayed that the applicant may be granted regular bail.
3. Learned counsel for the State/non-applicant opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. The allegation against this applicant is this, that the main accused abducted the minor prosecutrix and brought her to the house of this applicant

where he found shelter for a day and then committed offence of rape with the prosecutrix.

6. After considering on the role played by this applicant in commission of this offence, I am of this view that this applicant 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**