

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4949 of 2018

- Ayodhya Prasad Kushwaha S/o Bodhai, Aged About 46 Years, R/o Village- Mendhri, Semariyapara, Police Station- Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Police Station- Basantpur, District- Balrampur-Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Amarnath Pandey, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

01-08-2018

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 26-06-2018 in connection with Crime No.104/2017 registered at P.S. - Basantpur, District- Balrampur- Ramanujganj, Chhattisgarh for the offence under Section 363, 366, 376(2-ढ), 323, 376 2(झ), 368, 342/34 of the IPC and Section 3 (2-5) क of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, and Section 5(ढ)/ 6, 17 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 26-06-2018. No case is made out against him. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that the prosecutrix is a member of Scheduled Tribes and she is minor. The role of this applicant is this that he kept the prosecutrix in

confinement of his house and also subjected her to torture. Hence, he is not entitled for grant of bail.

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

5. The case against this applicant and co-accused person is this, that co-accused Anil Kushwaha abducted the minor prosecutrix and took her to Ambikapur where he had physical relation with her without her willingness and consent. The co-accused informed this applicant who is his father about the incident. On coming to know about the incident, this applicant has given shelter to his son, the co-accused and also allowed him to keep the victim/prosecutrix in confinement in his house. Hence, this case.

6. After considering on the entire material present in the case diary, 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