

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5025 of 2018

- Naresh @ Kishor Binjhar S/o Loknath Aged About 32 Years R/o Village Indra Chouk Ke Paas Pathripara, Police Sahayata Kendra Rampur, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ajk Korba, District Korba Chhattisgarh, District : Korba, Chhattisgarh

---- Respondent

For Applicant	:	Mr.Vikash Pandey, Advocate.
For Respondent	:	Mr. Rahul Tamaskar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

13/09/2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.12/2018 registered at Police-Station-AJK, District-Korba(C.G.) for the offence punishable under Sections 456, 376(D), 190 read with 34 of the Indian Penal Code, Section 4, 5(g) of the Protection of Children from Sexual Offences Act, 2012 & Section 3(2)(5) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act, 1989).
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. No case is made out according to the statement given by the prosecutrix under Section 164

of CrPC. It is clear that this applicant has not participated in the commission of offence with the main accused the applicant, hence, it is prayed that he may also be released on bail.

3. Learned State counsel opposes the bail application and submissions made in this respect.
4. Heard both the parties and perused the case diary.
5. It is alleged that the minor prosecutrix was raped by main accused Pawan Sidar in the house of Garibdas. It is alleged that this applicant was present along with main accused person at the time of incident.
6. After considering the entire material present in the case diary and also considering this fact that the co-accused Anuj Sahu and Shankar Patel @ Chotu persons have been granted regular bail by this Court and this applicant also has a similar case. For this reason, I am of this view that the applicant should be benefited with grant of anticipatory bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. are allowed. It is directed that 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 trial Court, for his appearance as and when directed.

Sd/-
(Rajendra Chandra Singh Samant)
Judge