

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5057 of 2018

Trilochan Banjara S/o Shri Mani Ram Aged About 34 Years Caste Nayak, R/o Kotba, Cauki- Kotba, Police Station Bagbahar, District Jashpur, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Station House Officer Police Station Bagbahar, District Jashpur, Chhattisgarh.

---- Respondent

For Applicants	:	Mr. Laxmin Kashyap, Advocate
For Respondent	:	Mrs. Smita Ghai, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

07/08/2018

1. This is the first bail applications 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.75/2018, registered at Police Station- Bagbahar, District – Jashpur (C.G.) for the offence punishable under Section 341, 342, 363, 506B and 376 (D) of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from the Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 27.06.2018. No case is made out against him according to the material present in the charge-sheet. The applicant was not the participant in the commission of offence of gang rape. Hence, it is prayed that the applicant may 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.

It is submitted that the applicant by his act facilitated the commission of offence of gang rape. Hence, the applicant is not entitled for grant of bail.

4. I have heard the learned counsel for the parties and perused the documents placed on record.
5. According to the prosecution case, on the date of incident, when the prosecutrix was on her way to home, she was forced to sit on the motor cycle by co-accused persons, the motor cycle was being driven by this applicant and he gave lift to all those persons up to Mandi and thereafter, he went away. It was subsequent to that other co-accused persons took the prosecutrix in different place and gang raped her.
6. Considered the submissions made and the contents of the case diary. Considering the limited role played by this applicant and for the reason that he was not present on the time of offence when the gang rape was committed, 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