

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 5256 of 2018**

Ramswaroop Manikpuri, S/o. Manohar, aged about 22 years, R/o. Village-Manjira, Police Station – Surajpur, District – Surajpur (C.G.)

---- Applicant**Versus**

State of Chhattisgarh, Through : Station House Officer, Police Station – Jainagar, District – Surajpur (C.G.)

---- Respondent

For Applicant	:	Mr. Sushil Dubey, Advocate
For Respondent	:	Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

17/08/2018

1. This is the first bail application 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.70/2017, registered at Police Station- Jainagar, District – Surajpur (C.G.) for the offence punishable under Section 363, 366, 376 (d), 306, 201, 34 of the Indian Penal Code & Section 4 of Protection of Children from Sexual Offence Act, 2012.
2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. Applicant is in jail since 02.12.2016. Charge-sheet in this case has been filed after completion of investigation. No case is made out against him according to the material present in the charge-sheet. 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 according to the Panchnama dated 28.02.2015, this applicant has been punished by the Caste Society and there are allegation that he was in company of the main accused and had

encouraged for commission of offence. Hence, he 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. As per prosecution case, it is alleged that the main accused Anil Rajwade abducted the minor prosecutrix on 26.02.2015 and then by keeping her in confinement, he committed the offence of rape with her on number of occasions. Ultimately, the deceased consumed poisonous substance on 02.12.2016, consequent to which, she died. The allegation against this applicant is this that he accompanied and encouraged the main accused person in commission of offence.
6. Considered the submissions made and the contents of the case diary. Considering on the entire material present in the case diary and the role played by this applicant in the commission of alleged offence, 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