

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6347 of 2018

- Ishwar Bande S/o Resham Lal Bande Aged About 19 Years R/o- Village Kisan, Parsada (Bhilai), P.S.- Masturi, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- The Police Station- Masturi, District- Bilaspur, Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Applicant	: Shri Mirza Kaesar Baeg, Advocate
For Respondent/State	: Shri Neeraj Mehta, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

26/09/2018

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.163/2018 registered at police station Masturi, District Bilaspur (CG) for the offence punishable under Section 363,366, 376,34 IPC and Section 4 and 17 of the Protection of Children from Sexual Offences Act.

As per prosecution case, on 28.02.2018 at about 12.00 p.m. when the prosecutrix was going to the market, the present applicant and two others forcibly took her in a motor bike after threatening her. It is further case of prosecution that the applicant took her to Yashwantpur where one of the juvenile co-accused Badde @ Sonu developed physical relations with the prosecutrix.

Counsel for the applicant submits that there is no evidence against the

applicant with regard to his involvement in the crime and he has been falsely implicated. He submits that the applicant is in jail since 10.07.18 and the trial will take time for final disposal and therefore he may be released on bail.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the nature of allegations against the applicant, I am inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 20,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge