

HIGH COURT OF CHHATTISGARH AT BILASPURM.Cr.C. No.7594 of 2018

Durgesh Madeshiya S/o Nagendra Prasad, aged about 24 years,
residing at Badedharaut Lohandiguda, Jagdalpur, District Bastar (C.G.).

---Applicant

Versus

State of Chhattisgarh, Through – The Police Station Bodhghat, District
Bastar (C.G.).

---Respondent

For applicant	:	Shri P.K.Tulsyan, Advocate.
For resp./State	:	Shri Dheeraj Wankhede, GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

29/10/2018

1. The applicant has preferred this bail application under Section 439 of Cr.P.C. in connection with Crime No.119/2018 registered at Police Station Bodhghat, District Bastar (C.G.) for the offence punishable under Sections 363, 366, 376 & 506 of IPC and under Section 4 of POCSO Act, 2012.
2. Present applicant is in jail since 11/05/2018.
3. The allegation against the present applicant as per the prosecution case is that, the present applicant is said to have abducted the prosecutrix knowing fully well the fact that she was a minor and subsequently the prosecutrix was taken to a different place where the co-accused person is said to have committed sexual intercourse with the prosecutrix.

4. The contention of the counsel for the applicant is that, perusal of record would show that the allegation against the present applicant is only to the extent of providing lift to the prosecutrix from her residence to the Jagdalpur bus-stand from where the prosecutrix accompanied the co-accused – Nitya Gopaldas and thus prayed for releasing the applicant on bail.

5. The State counsel on the contrary opposing the bail application submits that, the prosecutrix in any case was a minor girl and the present applicant ought not have took the prosecutrix from her house to the bus-stand and therefore also the present applicant has equal participation in the abduction of the prosecutrix and thus prayd for rejection of the bail application.

6. Having heard the contentions put forth on either side and on perusal of record, admittedly, in the statement of the prosecutrix recorded under Sections 161 & 164 of Cr.P.C., she has specifically held that she was taken from her residence to the bus-stand by the present applicant and that is all the role played by the present applicant.

7. Given the nature of role played by the present applicant so also considering the period of custody undergone by the present applicant, this Court is of the opinion that, prima-facie, a strong case has been made out for grant of bail to the present applicant.

8. Accordingly, the application for grant of bail is allowed. It is ordered that the applicant shall be released on bail on his executing 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. The applicant shall thereafter appear before the Trial Court on each and every date given by the said court.

Sumit

Sd/-
(P. Sam Koshy)
JUDGE