

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7976 of 2017**

Patilal Rajak @ Chunnu, S/o. Shri Ramlakhan Rajak, Aged About 32 Years,
R/o. Village Sardi, Charcha Colliery, Charcha, P.S. Korea, District -Korea
Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through : Police Station, Seetapur District Surguja
Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Arvind Sinha, Advocate
For Respondent	:	Mr. Ashok Swarnakar, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**28/02/2018**

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. 156/2017, registered at Police Station- Seetapur, District – Surguja (C.G.) for the offence punishable under Section 363, 366 (A), 376 (2) (८), 344, 115 of the Indian Penal Code and Section 5 (८), 6, 11, 12, 17 of Protection of Children from Sexual Offence Act, 2012.
2. It is submitted by the learned counsel for the applicant that applicant has been falsely implicated in this case. There is no connection of the applicant with the crime committed by the co-accused persons namey Mubarak and Jaiki. Applicant is a taxi driver and the main

accused has hired the taxi in this case on the date of incident and he has no knowledge that girl, who was traveling in the taxi was abducted by the co-accused persons. Applicant is a local resident of District Korea. He is in jail since 01.11.2017, he is ready to abide by all the conditions imposed for grant of bail. Therefore, it is prayed that the applicant be enlarged on regular bail.

3. Learned State counsel opposes the application and the submission made in this respect.
4. I have heard the learned counsel for the parties and perused the case diary and the documents placed on record.
5. As per the prosecution case, it is alleged that on 04.08.2017 co-accused Jaiki called the prosecutrix on phone after which, she came out and then she left with co-accused Mubarak and Jaiki in the Omni Van driven by this applicant. After reaching Baikunthpur, this applicant was relieved, thereafter, the co-accused persons committed rape with the prosecutrix by keeping her in a tenanted house on various occasion. Prosecutrix is minor girl of 17 years. On 08.08.2017 father of the prosecutrix lodged FIR of abduction of his daughter against unknown person. Thereafter on the basis of her statement, the offences have been registered against this applicant and co-accused persons.
6. Considered the submissions made and the contents of the case diary. Considering the role played by this applicant, the arguments submitted on his behalf is found to have some substance, hence for this reason, 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 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge