

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8065 of 2017**

Vicky @ Vikaskant S/o Lakshmankant, Aged About 31 Years R/o Village Malhar, Police Station Masturi, Civil And Revenue District Bilaspur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Outpost Malhar, Police Station Masturi, District Bilaspur Chhattisgarh.

---- Respondent

For the Applicant : Shri Dharmesh Shrivastava, Advocate.
For the Respondent/State : Shri Vijay Bahadur Singh, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.03.2018**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.377 of 2016, registered at Police Station – Masturi, Out Post – Malhar, District – Bilaspur, Chhattisgarh for the offence punishable under Sections 377 and 342/ 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 2.10.2016 and he has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. The applicant is a local resident of District Bilaspur

and he is ready to abide by all the conditions imposed on him. Hence, it is prayed that the applicant be enlarged on bail.

3. Learned State counsel opposes the bail application and the submissions made in this respect. It is submitted that there is clear evidence that the applicant had abetted the commission of offence by the main accused person against the minor victims. Hence, for these reasons, he is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. As per the prosecution case, the applicant and one co-accused under the garb of some Tantrik Pooja confined the minor victims in their place of residence and encouraged them to have unnatural intercourse with another co-accused Tularam. The victims filed a written complaint before the Police Station Masturi, Outpost Malhar. On that basis, the case has been registered against the applicant.

6. Considering the entire material present in the charge-sheet, the applicant is a local resident of District Bilaspur and there is no likelihood of his absconding, the case is triable by the Judicial Magistrate First Class and the conclusion of the trial is likely to take some time for its final disposal, I am of the considered opinion that the applicant deserves to be released on bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge