

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 8176 of 2017**

Rajaram Shori, S/o. Vaderam Shori, Aged About 26 Years, Residing at Village Pitispal Chowki Banskote, P. S. Vishrampuri, District Kondagaon, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through The Police Station Vishrampuri, District Kondagaon, Chhattisgarh.

---- Respondent

For Applicant : Mr. P.K. Tulsyan, Advocate

For State/respondent : Mr. Aaditya Sharma, Panel Lawyer

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**19/03/2018**

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.54/2017, registered at Police Station – Vishrampuri, District – Kondagaon (C.G.), for the offence punishable under Section 363/34, 366 of the Indian Penal Code (as per charges framed).
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The only charge against this applicant is under Section 363/34, 366 of the Indian Penal Code, whereas, the offence of rape and POCSO Act are charged

against the main accused Pilsai. This applicant is in jail since 08.08.2017, he is local resident of District- Kondagaon and he is ready to abide by all the conditions, which may be imposed for grant of bail, hence, prayed that the applicant be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant has played active role in kidnapping the minor prosecutrix from her place of residence and he continued in company of the main accused till they reached their destination at Tamilnadu, hence, looking to the activity and the abetment for commission of offence by the main accused, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. The case of the prosecution in brief is that the prosecutrix aged about 15 years was allured by the main accused Pilsai Netam sometime prior to the date of incident and the main accused committed forceful sexual intercourse with the minor prosecutrix on number of occasions. On 25.06.2017 main accused Pilsai and this applicant both of them forced and abducted the minor prosecutrix and took her to stay Tamilnadu, where the main accused Pilsai and prosecutrix both lived together at place fore sometime and this applicant also lives separately to earn his living. Father of the prosecutrix lodged FIR and during the investigation, prosecutrix was recovered from the custody of Pilsai.
6. Considered on the submissions made and the contents of the case diary. Considering the entire material present on the case diary and looking to the role played by this applicant in this case that he is in jail

since 08.08.2017, 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 the Cr.P.C. is allowed.
8. It is directed that 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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge