

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 8368 of 2018**

Subaran Singh S/o Mohar Sai, Caste- Gond, aged about 32 years, R/o Village-Surta Ghutta Para, Police Station Ramanujnagar, District Surajpur (C.G.).

--- Applicant

Versus

State of Chhattisgarh, Through:- Station House Officer, Police Station Ramanujnagar, District Surajpur (C.G.).

---- Respondent

For Applicant	:	Mr. D.N. Prajapati, Advocate
For Respondent	:	Mr. Bhaskar Payashi, PL

Hon'ble Shri Justice Arvind Singh Chandel

Order on Board

13/11/2018

1. The applicant has preferred this First bail application under Section 439 of the Cr.P.C for grant of regular bail as he is arrested in connection with Crime No. 117/2018 registered at Police Station Ramanujnagar, District Surajpur (C.G.) for the offence punishable under Sections 363, 368, 376 (3) of the IPC and Sections 4 & 21 of the POCSO Act.
2. As per prosecution story, on 03/08/2018, complainant Jagannarayan Singh lodged a report regarding missing of his minor daughter and his niece since 27/06/2018. On the basis of above report, offence was registered under Section 363 of the IPC against unknown persons. During course of investigation, both minor victim girls were recovered. Their statements were recorded wherein they have stated that co-accused Niranjana had taken them towards several places and

ultimately taken them at Ambikapur. Where, co-accused Niranjan, on the pretext of marriage, committed sexual intercourse with the niece of the complainant. After two days, the applicant came there. Co-accused Niranjan told the applicant to left the prosecutrix at her house. It is alleged that the applicant avoiding the same took the prosecutrix to here and there and thereafter left her to her house. On the basis of this, the applicant has been arrested on 08/08/2018.

3. Learned counsel appearing on behalf of the applicant submits that the applicant is innocent and has been falsely implicated in the present case. He further submits that the applicant had not played any active role in abducting or committing rape with the prosecutrix. The main allegation is against co-accused Niranjan. He further submits that the applicant is in custody since 08/08/2018 and trial will take time, therefore, the applicant may be released on bail.
4. Per contra, learned counsel appearing on behalf of the State opposes the bail application.
5. I have heard learned counsel for both the parties.
6. Considering the entire facts and circumstances of the case, particularly considering that the main accused is co-accused Niranjan and there is no allegation against the present applicant regarding abduction and rape with the prosecutrix, without further commenting no merit of the case, I am inclined to release the applicant on bail.
7. Accordingly, the bail application is allowed.
8. It is directed that the applicant shall be released on bail on executing a

personal bond for a sum of Rs. 20,000/- with one surety for the like amount to the satisfaction of the trial Court for his appearance before the said Court, as and when directed.

**Sd/-
(Arvind Singh Chandel)
Judge**

Rahul