

**HIGH COURT OF CHHATTISGARH, BILASPUR**

**MCRC No. 3387 of 2019**

- Duj Kumar Bhoyar S/o Makhan Lal, Aged About 19 Years, R/o Bharda, Police Station Dondilohara, Balod, District Balod Chhattisgarh., District : Balod, Chhattisgarh

**---- Applicant**

**Versus**

- State of Chhattisgarh Through Police Station Dondi, District - Balod Chhattisgarh., District : Balod, Chhattisgarh

**---- Non-applicant**

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For Applicant – Shri B.P. Singh, Advocate.

For Non-applicant/State – Shri Avinash K. Mishra, Panel Lawyer.

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

**Order on Board**

**30-07-2019**

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 28-02-2019 in connection with Crime No.13/19 registered at P.S. - Dondi, District Balod, Chhattisgarh for the offence under Section 363, 366, 376/34 of the IPC and Section 4, 5(२)/6 of Protection of Children from Sexual Offences Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 28-02-2019. There is no allegation against this applicant regarding commission of offence of rape or neither the abetment in the said offence. Only accusation against him is this, that he gave lift to the victim of this case to a place where she met with the main accused Tejprakash. Hence, no case is made out. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. The informant of this case has been served with notice issued by this

Court, but, neither the informant has appeared nor he is represented.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, on the date of incident, the applicant gave lift to the prosecutrix on his motorcycle took her to Balod where she met with co-accused Tejprakash and left for Hyderabad. It is alleged that co-accused Tejprakash performed marriage with the minor prosecutrix in a temple and then exploited her sexually. Subsequently, the prosecutrix was recovered from the possession of the co-accused. Hence, this case.

7. After considering the limited role played by this applicant in said commission of offence, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-

**(Rajendra Chandra Singh Samant)**  
**Judge**