

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5148 of 2019

- Chitrangad, S/o Late Nand Kumar Sahu Aged About 23 Years, R/o Village Sankari, Police Station-Gunderdehi, District-Balod, Chhattisgarh.

---- Applicant

Versus

- State of Chhattisgarh Through The Station House Officer, Police Station-Balod, District-Balod, Chhattisgarh.

---- Respondent

For Applicant	:	Mr. Jitendra Gupta, Advocate.
For Respondent	:	Mr. Sanjay Pathak, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

04/09/2019

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.245/2019 registered at Police Station– Balod, District– Balod(C.G.) for the offence punishable under Sections 363, 366, 342, 506/34 of the Indian Penal Code and Section 17 & 18 of POCSO Act and Section 3(1)य & 3(2)ब of SC/ST (Prevention of Atrocities)Act.
2. Learned counsel for the applicant submits that applicant is innocent and has been falsely implicated in this case. He is in jail since 26.06.2019. This applicant has not committed any offence. He is not the main accused in this case. The only allegation against him is this, that he gave lift to the victim for taking her to a place on the call made

by the co-accused, juvenile offender Fanish Sahu. Apart from that he has not participated in any act. The main accused Fanish Sahu has been granted bail by the Juvenile Justice Board. Similarly placed other co-accused persons have been granted bail by the trial Court, therefore, it is prayed that he may also be enlarged on regular bail.

3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that there is evidence regarding active participation of this applicant present in the case diary, hence, he is not entitled for grant of bail.
4. Heard both the parties and perused the case diary.
5. According to the prosecution case, the complainant in this case has lodged FIR against juvenile offender Fanish Sahu for commission of offence under Section 376 of IPC. Subsequent to which, it is alleged that the juvenile offender, this applicant and other co-accused persons were pressurizing the complainant to make a statement in favor of the juvenile offender in the police-station and for the execution of the same the complainant was called by juvenile offender Fanish Sahu by putting her under threat and to assist him this applicant took the complainant on his motorcycle to the place where juvenile offender was waiting. Thereafter it is alleged that this applicant and others pressurized and threatened the complainant to make statement in favor of the juvenile offender in the police-station.
6. Considering that all the co-accused persons have been granted bail by the Court below and the case of this applicant is also similar, therefore, I feel inclined to allow the application of this applicant.
7. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha