

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5568 of 2019

- Bal Narayan Rajwade @ Loli S/o Monu Ram Rajwade Aged About 19 Years R/o Sunderganj, Basanpara, Police Station Jai Nagar, District Surajpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Ajak Surajpur, District- Surajpur, Chhattisgarh.

---- Respondent

For Applicant	: Shri Pushpendra Kumar Patel, Advocate
For Respondent/State	: Shri Wasim Miyan, PL

Hon'ble Smt. Justice Rajani Dubey

Order On Board

05/11/2019

The applicant has filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as he is in custody in connection with Crime No.51/2019 registered at police station Ajak Surajpur, District Surajpur (CG) for the offence punishable under Sections 363,366 and 376/34 IPC, Section 3 1-b (1) and 3 (2)(v) of the SC/ST (Prevention of Atrocities) Act and Section 4 of the Protection of Children from Sexual Offences Act.

Prosecution case is that the applicant along with three co-accused had forcibly taken the prosecutrix in their motorcycle to a nearby forest and thereafter one of the co-accused committed rape on her.

Counsel for the applicant submits that the applicant has only helped the co-accused for taking away the prosecutrix and except this, there is no allegation against the present applicant. He submits that the applicant is in jail since 03.05.19; the charge sheet has already been filed and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand, learned counsel for the State opposes the bail application.

Considering the totality of the facts and circumstances of the case, in particular the detention period of the applicant, I am inclined to release him on bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant's furnishing a personal bond of Rs. 25,000/- with one surety in the like sum to the satisfaction of the concerned court for his appearance before it as and when directed, he shall be released on bail.

Sd/-

(Rajani Dubey)
Judge