

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 1975 of 2020

- Rohit Mandavi S/o Krishna Sah Mandavi Aged About 27 Years R/o Toyanar, District Beejapur, Present Address Tehsilpara Beejapur, P. S. Beejapur, District Beejapur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Beejapur, District Beejapur Chhattisgarh

---- Non-applicant

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

For Non-applicant/State : Mr. Vivek Ranjan Tiwari, Addl.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04-06-2020

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 23.02.2020 in connection with Crime No.32/2020, registered at Police Station- Beejapur, District- Beejapur, C.G. for offence punishable under Sections 342, 363, 368 and 376 of I.P.C. and Sections 4 and 6 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 23.02.2020 and has been falsely implicated in this case. No case is made out against the applicant. This applicant is not the main accused, even if the material present in the case diary is to be believed, then the only allegation against this applicant is regarding assisting the main accused in abducting the minor prosecutrix. Charge-sheet has

been filed. Therefore, it is prayed that the applicant may be granted bail.

3. Learned counsel for the State/non-applicant formally opposes the application and submits that there is specific allegation made by the prosecutrix in her statement under Section 164 of Cr.P.C. against this applicant. Therefore, he is not entitled for grant of bail.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, on the basis of the phone call made by the main accused, Kudiyam, this applicant helped minor prosecutrix board the bus for the destination on which the main accused was to meet her. Hence, this case.
6. Considering the facts and circumstances of this case, I feel inclined to allow this application.
7. 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.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge