

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2353 of 2020

Rathram Nishad, S/o Prahlad Kewat, Aged About 55 Years, R/o Gharghora, Police Station Kharsia, District- Raigarh (C.G.)-- **Applicant**

Versus

State of Chhattisgarh, Through: Station House Officer, Police Station- Kharsia, District- Raigarh (C.G.) --- **Respondent**

For Applicant : Ms. Nirupama Bajpai, Advocate.

For Respondent : Mr. Sudeep Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

15/06/2020

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. 115/2019, registered at Police Station- Kharsia, District- Raigarh (C.G.) for the offence punishable under Sections 376(2)(h)(i)(n), 506 (b), 34 of IPC and Section 4 & 6 of Protection of Children from Sexual Offence Act, 2012.
2. Learned counsel for the applicant submits that the applicant is in jail since 17.03.2019 and has been falsely implicated in this case. No case is made out against the present applicant. The similarly placed co-accused namely Jawaharlal Rathore has been granted bail by this Court on 23.03.2020 in MCRC No. 1505/2020. Hence, it is prayed that the applicant be also enlarged on bail.
3. On the other hand, learned counsel for the State opposes the

bail application submitting that the prosecutrix was minor and has categorically named the applicant as one of the person who has ravished her. Hence, no case is made out for grant of regular bail to the applicant.

4. Heard counsel for both the parties and perused the records.
5. As per the facts of the case, the minor prosecutrix has lodged FIR alleging that firstly she was sexually exploited by one Mantu Rathore. Consequently, Kisan Kenwat, then Jawaharlal Rathore and also this applicant exploited her sexually on different dates.
6. After considering the facts and circumstances of the case and also that the other co-accused has been granted bail by this Court, I am of the view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge