

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2630 of 2020

- Navratan Bang S/o Gopal Bang Aged About 45 Years R/o Narayanpur, District Jashpur, Chhattisgarh.

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Narayanpur, District Jashpur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Awadh Tripathi, Advocate.
For State/respondent	: Mr. Raveesh Verma, Dy. Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/06/2020

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.16/2020 registered at Police -Station-Narayanpur, District-Jashpur (C.G.) for the offence punishable under Sections 376, 313, 506, 120B of IPC and Sections 5 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. This applicant has no connection with the commission of offence of rape or illegal abortion, threatening the victim or conspiring with other co-accused

person for the commission of said offence. The victim and other witnesses have not made any statement against this applicant. The applicant has been roped in only on the basis of memorandum statement given by the co-accused persons in which they have stated that this applicant intervened to help the victim party for getting adequate compensation, which does not amount to commission of offence of any kind. Thus, it is apparent that no case is made out against this applicant. The applicant is in jail since 3.3.2020. Hence, it is prayed that the applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. He firstly submits that the prosecutrix in this case is only 13 years old, therefore, notice to the complainant would be required under Section 439 (1A) of CrPC. It is further submitted that the applicant was a party to the said conspiracy regarding which there is evidence present against him. Therefore, he is not entitled for grant of regular bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to prosecution case, the minor prosecutrix aged about 14 years & 6 months was a school going student. She has lodged FIR alleging that co-accused Rashid Khan used to exploit her sexually after administering some intoxicating or psychotropic substance to her as a result of which she became pregnant. She has further alleged that co-accused Rashid Khan and others have threatened & influenced the prosecutrix & her aunt and then her pregnancy was terminated forcefully. It has been stated in the memorandum statement by the

main accused and other accused persons that after the process of abortion, this applicant had approached the victim party and said that if they would agree to enter into a compromise, he will help them to get a compensation of Rs.5 lakhs and thereafter this applicant had approached the main accused with the proposal of compromise.

6. On perusal of the case diary, it is found that this applicant has no connection with the commission of offence of rape or illegal abortion and the conspiracy in that regard, therefore, looking to the nature of allegation that is present against him, he appears to be entitled for grant of bail in this case.
7. Service of notice to the complainant/informant under Section 439 (1A) of CrPC would not be required, therefore, the application is allowed.
8. 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 his 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