

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2654 of 2020

- Nanki @ Shivbihari S/o Moolchand Loniya Aged About 20 Years Caste Chauhan, R/o Village Navrangpur, Out Post Chilpi, Police Station Lormi, District Mungeli, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Kukdur, District Kabirdham, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Dharmesh Shrivastava, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-06-2020

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 26.03.2020 in connection with Crime No.12/2020, registered at Police Station- Kukdur District- Kabirdham, C.G. for offence punishable under Sections 363, 376, 366, 34 of I.P.C. and Sections 04 and 06 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 26.03.2020 and has been falsely implicated in this case. There is no allegation against this applicant regarding the commission of offence of rape with the prosecutrix. The only allegation against this applicant is about assisting the main accused in abducting the minor prosecutrix. The applicant has not intentionally committed any offence. Hence, it is prayed that this applicant may be granted bail.
3. Learned counsel for the State/non-applicant formally opposes the

application and submits that the age of the prosecutrix in this case was 15 years and 11 months and according to the statement given by her, this applicant has actively assisted the main accused because of which, the other offence has been committed by the main accused, therefore, this applicant is not entitled for grant of bail.

4. The complainant- Sati Bai, is present before this virtual Court through help desk of High Court and she has made a statement that she has not complained against this applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. As per the prosecution case, it is alleged that the main accused Tukaram abducted the minor prosecutrix with the help of this applicant, thereafter, he kept the minor prosecutrix in his custody and exploited her sexually on a number of occasions.
7. Considering the role of the applicant in the alleged commission of crime and also the no objection made by the complainant, I am of this view that this applicant should be granted regular bail.
8. 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.
9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge