

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2861 of 2020**

Shivanand Mourya S/o Late Sampat Mourya Aged About 20 Years R/o Aadawal, Post Kolchoor, District Bastar, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through SHO, Police Station Benoor, District Narayanpur, Chhattisgarh.

---- Respondent

For the Applicant : Shri V.A. Goverdhan, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.06.2020**

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.16 of 2020, registered at Police Station – Benoor, District – Narayanpur, Chhattisgarh for the offence punishable under Sections 363, 366(A) and 376 read with Section 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 7.5.2020 and has been falsely implicated in this case. There is no allegation against this applicant regarding the commission of offence of rape which is very clearly made out from the statement given by the prosecutrix under Section 164 of the Cr.P.C. before the Judicial Magistrate First Class. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.
4. Heard counsel for both the parties and perused the case diary.
5. According to the prosecution case, main accused – Shankar abducted the minor prosecutrix and has exploited her sexually. The allegation against this applicant is that he has helped the main accused in abducting the minor prosecutrix.
6. After considering the nature of allegation present against the applicant, I am of the considered view that this is a fit case for grant of regular bail to the applicant.
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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge