

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3444 of 2020

- Shrawan Sahu S/o Prem Sahu Aged About 25 Years R/o Jawahar Nagar, Ward No. 24, Jagdalpur Thana- Bodhghat, Tah. And District Jagdalpur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh The District Magistrate Rajnandgaon, District Rajnandgaon, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Rahim Ubwani, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17-06-2020

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 18.01.2020 in connection with Crime No.76/2019, registered at Police Station- Khadgaon, District- Rajnandgaon, C.G. for offence punishable under Sections 120(B), 328, 363 and 376 of I.P.C. and Sections 3 & 4 of POCSO Act, 2012.
2. It is submitted by learned counsel for the applicant that the applicant is in jail since 18.01.2020 and has been falsely implicated in this case. The prosecutrix in her statement under Section 164 of Cr.P.C. made no allegation against this applicant and similarly one of the witnesses of prosecution namely Madhu Sori has also stated only against the main accused, Munna Patel, who is absconding. According to the investigation statements, this applicant was found present on one occasion only at bus stand with the prosecutrix, therefore, no case is

made out against him. Hence, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant formally opposes the application.
4. Heard learned counsel for the parties and perused the case diary.
5. As per the prosecution case, the minor prosecutrix was invited by the other witness Madhu Sori to a place, where she was kept in confinement by her and she was administered some intoxicating substance or narcotic substance because of which she used to remain unconscious during the night and felt pain her private parts, when she woke up. It is alleged that the main accused, Munna Patel has committed the offence of rape with the prosecutrix and the allegation against this applicant is regarding the facilitating the commission of offence.
6. As the statement of the victim under Section 164 of Cr.P.C. and also the statement of witness Madhu Sori that has been narrated in this virtual mode of hearing by the learned counsel for applicant and also the learned State counsel, after hearing on the same, I am of this view that it is a fit case for grant of bail to the applicant.
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