

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 3740 of 2020**

- Sukhlal Nirala S/o Late Shri Dukhiya Nirala Aged About 51 Years By Caste Oraon R/o Village Ranikombo Pathalgaon, Thana Narayanpur, Tehsil Kunkuri, District Jashpur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Narayanpur, District Jashpur, Chhattisgarh

---- Respondent

For Applicant	:-	Mr. Akhilesh Kumar, Advocate
For Respondent-State	:-	Mr. K.K. Singh, G.A.
For Objector	:-	Mr. A.N. Bhakta, Advocate

Proceedings through Video Conferencing**Hon'ble Shri Justice Prashant Kumar Mishra**
Order On Board**30/09/2020**

1. Heard.
2. The applicant has preferred this application under Section 439 of the Cr.P.C. for grant of regular bail as he is arrested in connection with crime No.16/2020 registered in Police Station Narayanpur, District Jashpur C.G. for the offence punishable under Sections 376, 313, 506 and 120B of the I.P.C. and Section 5, 6 of the Protection of Children from Sexual Offences Act, 2012.

3. Case of the prosecution, in brief, is that main accused Rashid Khan, teacher in the school where the prosecutrix was studying, used to administer pills to the prosecutrix before subjecting her to rape. The prosecutrix became pregnant which got aborted by other accused persons by hatching conspiracy. Applicant is the maternal uncle of the prosecutrix whereas co-accused Shanti Bai Rajak is the aunt (*bua*) of the prosecutrix. They have allegedly played important role in getting the prosecutrix aborted.
4. Main allegation appears to be against Rashid Khan whose bail application bearing MCRC No.3697 of 2020 stands rejected by this Court whereas that of Shanti Bai Rajak stands allowed in MCRC No.3687 of 2020 under a common order dated 16.09.2020.
5. Shri A.N. Bhakta, learned counsel appearing for objector has no objection if the bail application of the present applicant is allowed.
6. Learned State counsel would oppose the prayer for grant of bail.
7. Since role of the present applicant is similar to the role allegedly played by Shanti Bai Rajak and her bail application has already been allowed by this Court, the present applicant is also entitled for bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and the applicant is directed to be released on bail on executing a personal bond for a sum of ₹50,000/- with one surety for the like amount to the satisfaction of the trial Court. He is directed to appear before the trial Court on each and every date given by the said Court.

SD/-

(Prashant Kumar Mishra)
Judge

Ayushi