

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3760 of 2020**

1. Rajendra Kumar Prajapati, S/o. Rameshwar Prajapati, aged about 23 years, R/o. Village Dharti para, Outpost – Karanji, Police Station – Vishrampur, Tahsil and District – Surajpur (C.G.).
2. Khulelal, S/o. Ramprasad, aged about 22 years, R/o. Village – Misirpara, Out Post – Karanji, Police Station – Vishrampur, Tahsil and District – Surajpur (C.G.)

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station AJAK, District Surajpur, Chhattisgarh. (wrongly mentioned as P.S. Vishrampur in rejection order)

---- Respondent

For Applicants	: Mr. Anil Gulati, Advocate
For Respondent/State	: Mr. Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****22/06/2020**

1. At the very outset, the learned counsel for the applicants seeks permission of this Court to withdraw the bail application in respect of the applicant No.1, accordingly, the bail application in respect of the applicant No.1 is dismissed as withdrawn.
2. 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

No.2, who has been arrested in connection with Crime No.209/2019, registered at Police Station – AJAK, District – Surajpur (C.G.) for the offence punishable under Section 363, 376, r/w. Section 34 of the Indian Penal Code, Section 4 of POCSO Act, 2012 and Section 3 (1) (1) B3 (2) (v) of Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act.

3. It is submitted by the learned counsel for the applicant that the applicant No.2 has been falsely implicated in this case. No case is made out against him. The applicant No.2 is in jail since 29.10.2019. Similarly placed co-accused Avinash Prajapati has been granted bail by this Court. The prosecutrix has also been examined before the trial Court and she has not made single statement against this applicant. Hence, it is prayed that the applicant may be enlarged on regular bail.
4. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect
5. I have heard the learned counsel for both the parties and perused the case diary.
6. According to the prosecution case, the main accused Rajendra Prajapati abducted the minor prosecutrix with the help of this applicant and one co-accused Avinash Prajapati. Subsequent to this main accused has established physical relation with the prosecutrix, which amounts to commission of offence of rape.
7. Considering that similarly placed co-accused person has been granted bail by this Court and also the other facts and circumstances that are present against this applicant, this Court is of the opinion that present

is a fit case, in which, the applicant No.2 should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. in respect of the applicant No.2 is allowed.
9. It is directed that applicant No.2 shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram