

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4328 of 2020**

Yugeshwar, S/o Asharam Diwan, Aged About 20 Years R/o Village Khemda,
Police Station Komakhan, District Mahasamund Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh, Through Police Station Patewa, District Mahasamund
Chhattisgarh.

---- Respondent

For the Applicant : Shri Shubhank Tiwari, Advocate.
For the Respondent/State : Shri Anand Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****16.07.2020**

Heard.

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.99 of 2020, registered at Police Station – Patewa, District – Mahasamund, Chhattisgarh for the offence punishable under Sections 363, 366 and 376(2) of the Indian Penal Code and Section 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 22.5.2020 and has been falsely implicated in this case. There is no allegation against this applicant regarding his participation in the commission of offence of abduction or rape. 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. It is submitted that he assisted the main accused because of which the commission of offence was facilitated. Hence, no case is made out for grant of bail to the applicant.

4. The complainant and the victim are present before this virtual Court through help-desk of this High Court. They stated that they have no objection if the applicant is granted bail.

5. Heard counsel for both the parties and perused the case diary.

6. As per the prosecution case, it is alleged that the minor victim of age 14 years 11 months was abducted by co-accused – Deenanath with the help of this applicant and thereafter, the minor victim was raped by the co-accused person.

7. Considering the nature of allegation against this applicant and also considering the statement of the complainant and the victim that they have no objection if the applicant is granted bail, therefore, I feel inclined to grant regular bail to the applicant in this case.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

9. 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

Nimmi