

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4214 of 2020**

- Harishankar Sahu S/o Kartik Ram Sahu Aged About 22 Years R/o Village-Hasda, Subhash Chowk, Chowki Litiya Semariya, P.S. Bori, Tehsil And District-Durg, Chhattisgarh

---- Applicant**Versus**

- State Of Chhattisgarh Through District Magistrate, District- Durg, Chhattisgarh

---- Respondent

For Applicant/s	:	Mr. Avinash Chand Sahu, Advocate.
For State	:	Mr. Ravish Verma, G.A.

Hon'ble Shri Justice Manindra Mohan Shrivastava**Order On Board****31/08/2020**

Heard.

1. The applicant has moved this application for grant of bail as he is arrested in connection with Crime No.28/2020 registered at Police Station-Bori, District-Durg, C.G. for the alleged commission of offence under Sections 419, 376, 506 & 34 of IPC.
2. Prosecution case is that the applicant and co-accused caught hold of the prosecutrix and her friend and thereafter the co-accused took the prosecutrix away and committed rape.
3. Learned counsel for the applicant would submit that the allegation of committing rape is on the co-accused and not on the present applicant. He would submit that for the act of the co-accused, the applicant cannot be held responsible and no offence under Section 376 IPC is made out against the present applicant. He would submit that the applicant was arrested on 19.04.2020, investigation is complete and charge sheet has been filed and trial is not likely to be completed early, therefore, he may be granted bail.
4. On the other hand, learned State Counsel opposes and submits that the prosecutrix had made allegation against both the accused by stating that they

had come together in one motorcycle and one of them had taken the prosecutrix in other direction asking the other accused to go along with friend of the prosecutrix, therefore, the present applicant is no less involved in commission of offence. He would submit that the bail application of other co-accused Sugri Nag @ Sugriv Yadav has been rejected vide order dated 10.08.2020 in MCRC/3420/2020.

5. Having heard learned counsel for the parties, according to the prosecution case, out of the two accused only one accused is said to have committed rape. The bail application of the co-accused has been rejected taking into consideration the submission of learned State Counsel that he is the main accused who committed rape. As far as present applicant is concerned, there is no allegation of committing rape by him. Therefore, in these circumstances, as investigation is complete, charge sheet has been filed and that the applicant is in jail since 19.04.2020 and trial is not likely to be resumed early, I am inclined to grant bail to the applicant.
6. Accordingly, the bail application is 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/- along with one local surety of the like amount to the satisfaction of the Trial Court on the condition that-
 - a) He shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.
 - b) He shall not in any manner, tamper with the prosecution witnesses.

Certified copy as per rules.

Sd/-
(Manindra Mohan Shrivastava)
Judge