

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 6363 of 2020**

Amrit Markandey S/o Amardas Aged About 24 Years Cast Satnami, R/o Khamariya, Ward No. 19, Police Station And Tahsil Khairagarh, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Khairagarh, District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh.

---- Respondent

For the Applicant : Shri R.S. Baghel, Advocate.
For the Respondent/State : Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****18.11.2020**

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.244 of 2020, registered at Police Station – Khairagarh, District – Rajnandgaon, Chhattisgarh for the offence punishable under Sections 376, 34 of the Indian Penal Code and Section 3(1) and 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 24.07.2020 and has been falsely implicated in this case. The applicant has not participated in the commission of offence of rape and he was not aware of the intention of the co-accused persons at the time of incident that has occurred. The prosecutrix has also stated in her statement under

Section 161 of the Cr.P.C. which favours this applicant. Further, this applicant is physically disabled and he is handicapped about 54%. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

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 this applicant has actively participated in the commission of offence. Hence, the applicant is not entitled for grant of regular bail.

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

5. As per the prosecution case, on the date of incident, the minor prosecutrix aged about 15 years 8 months was abducted by co-accused – Sagar Mahilange with the help of this applicant where she was forcefully raped by co-accused - Sagar Mahilange while the applicant remain present near the spot throughout.

6. Considered the submissions and the facts present in this case. No purpose would be served if the applicant is kept in detention for the whole period of trial, hence, this application deserves to be allowed.

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

8. 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