

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6497 of 2020

- Amit Tirkey @ Bhangad S/o Bandhan Tirkey, Aged About 24 Years R/o Khajuri, Police Station Bhandariya, District Gadhwah (Jharkhand)

---- Applicant

Versus

- State Of Chhattisgarh Through - Station House Officer, Police Station - Chando, District Balrampur - Ramanujganj (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. C. Jayant K. Rao, Advocate.

For Non-applicant/State : Mr. D.P. Singh, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-10-2020

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 24.08.2020 in connection with Crime No.24/2020, registered at Police Station- Chando, District- Balrampur, C.G. for offence punishable under Sections 363, 366, 376 and 506/34 of I.P.C. and Section 4 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. He is not the main accused and the only allegation against him is with respect to the commission of crime of abduction of the minor victim in which he had helped the main accused. The applicant is in jail since 24.08.2020. Therefore, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application and submits that looking to the evidence present, the applicant has no entitlement for grant of bail. It is further submitted that the applicant is resident of State of Jharkhand, therefore, if he is released on bail, he may not be available for trial. Hence, this application may be rejected.

4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, it is alleged that this applicant helped the main accused in the abduction of the minor prosecutrix and thereafter the minor prosecutrix was kept in custody of the main accused where she was exploited sexually by the main accused person.
6. Considered on the submissions and looking to the nature of allegation present against this applicant, it appears that this case is different from the case of the main accused, hence, I feel inclined to allow this application.
7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby 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/- with one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge