

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 7279 of 2020**

Anand Kumar, S/o. Ram Narayan Kenwat, aged about 20 Years, R/o. Village Kachhar, Police Station Koni, Bilaspur, District Bilaspur, Chhattisgarh.

---- Applicant**Versus**

State of Chhattisgarh, Through - The Station House Officer, Police Station Kota, District Bilaspur, Chhattisgarh.

---- Respondent

For Applicant	: Mr. Rajeev Kumar Dubey, Advocate
For Respondent/State	: Mr. Gurudev I. Sharan, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****04/12/2020**

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.242/2020, registered at Police Station – Kota, District – Bilaspur (C.G.) for the offence punishable under Section 302, 363, 376, 201, 34 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The offence of abduction, rape and murder are not made out against this applicant and there is altogether no evidence against this applicant regarding his participation in the commission of these offences. The only offence that can be made against the applicant is with regard to concealment of the evidence of murder case, which is bailable offence. The applicant is in

jail since 13.06.2020. Hence, it is prayed that the applicant may be released 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 this applicant had participated in the abduction of the deceased prosecutrix and also in the act of disposing of her dead body, therefore, he can be regarded as abettor in the commission of other offences, hence, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that the minor prosecutrix and the co-accused Deepak Shrivastava had an affair between them that had discontinued. It is alleged that on the date of incident, the co-accused Deepak Shrivastava with the help of this applicant abducted the minor prosecutrix and took her to a place in Jungle. The co-accused raped the minor prosecutrix and then also murdered her by inflicting fatal injuries by using his belt. According to the memorandum statement given by the Deepak Shrivastava, the applicant was called on the spot after the incident of murder had taken place and then with the help of this applicant, the dead body of the deceased was disposed off.
6. Considered on the submissions and the facts of the case. It appears that this applicant had not participated in the commission of offence of rape and murder of the deceased-prosecutrix, therefore, looking to the case i.e. present against this applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be

enlarged on regular bail.

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.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram