

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7012 of 2020

Umesh Meshram, S/o Late Mahasingh, Aged About 23 Years, R/o Biretara, Police Station & District- Balod (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: Station House Officer Balod, District- Balod (C.G.)

--- Respondent

For Applicant : Mr. Avinash Chand Sahu, Advocate.

For State/ Respondent : Mr. Vimlesh Bajpai, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

04/11/2020

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. 249/2020, registered at Police Station- Balod, District- Balod (C.G.) for the offence punishable under Section 366 (क), 376(घ), 506/34 of IPC and Section 4, 5(छ), 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 29.07.2020 and has been falsely implicated in this case. No case is made out against this applicant. Although, the statement of the victim shows that this applicant was present, but she herself says that the applicant has not participated in

commission of the offence. Hence, it is prayed that this applicant may be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application submitting that the victim has specifically named the applicant as one of the person present on the spot along with the other co-accused persons, therefore, his participation is clearly made out. Hence, the application for grant of bail may be rejected.
4. Heard counsel for both the parties and perused the records.
5. As per case of the prosecution, it is alleged that on the date of incident i.e. intervening night of 22nd & 23rd January, 2020, when the prosecutrix, who is age about 17 years and 9 months, had gone to participate in a birthday party of her friend. When the prosecutrix was going back to her village, she was accosted by co-accused Khilendra, Birendra, Navin & this applicant was also present there. The co-accused persons then, gang raped the prosecutrix.
6. Considered on the submissions and the facts present in this case. There is no allegation made by the prosecutrix about this applicant being a participant in the said gang rape, therefore, I am of this view that it would be proper to release the applicant on regular bail, hence, I feel inclined to grant bail to the applicant in this case.
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

Arun