

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7781 of 2020

Jainath Rathiya, S/o Balak Ram, Aged About 55 Years, Caste- Kanwar,
Occupation- Labour, R/o Village- Peth, Police Station - Sitapur, District-
Sarguja (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through Station House Officer, Police Station-
Kapu, District- Raigarh (C.G.)

--- Respondent

For Applicant : Ms. Saumya Sharma, Advocate.

For State/ Respondent : Mr. Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

17/12/2020

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. 46/2019, registered at Police Station- Kapu, District- Raigarh (C.G.) for the offence punishable under Section 363, 366, 376, 109 of IPC and Section 4, 6, 17 of the Protection of Children from Sexual Offences Act, 2012.
2. Learned counsel for the applicant submits that the applicant is innocent and has been falsely implicated in this case. The applicant had played no role in the commission of offence, which

are registered against him in this case. The main accused in this case, is son of this applicant, who is absconding. The applicant had no knowledge about the relation of his son with the prosecutrix. The applicant is in jail since 24.06.2019. 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 there is evidence of conspiracy and abetment against this applicant in commission of crime of abduction and rape, therefore, the applicant is not entitled for grant of bail. 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 the minor prosecutrix of age 16 years, was abducted on 01.06.2019 by the co-accused namely Virendra Rathiya, who then, took her to the place of parents, where he kept the prosecutrix in his custody upto 03.06.2019 and during this period, he exploited her by having physical relation with her, which amounts to commission of offence of rape.
6. Considered on the submissions and the facts present in this case. Looking to the evidence regarding involvement of this applicant in the alleged commission of offence as also the period, he is in jail, 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 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 trial Court, for his appearance as and when directed.

Certified copy, as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Arun