

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7133 of 2020

Narsingh Poyami, S/o Late Budhram, Aged About 29 Years, Caste Madiya, R/o Ransargipal Dhogriguda Para Thana Parpa, District-Bastar (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through P.S. Badanji, District- Bastar (C.G.)

--- Respondent

For Applicant : Mr. Vikash A. Shrivastava, Advocate.

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

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23/11/2020

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. 40/2019, registered at Police Station- Badanji, District- Bastar (C.G.) for the offence punishable under Section 363, 366, 376, 506, 34 & 109 of IPC and Section 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 15.12.2019 and has been falsely implicated in this case. No case is made out against this applicant. There is no allegation against this applicant about commission of offence of rape with the prosecutrix. The main accused person namely Anand Ram Mandavi has been granted bail by the Coordinate Bench of this Court. Most of the material witnesses have been

examined in the trial, 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 allegation against this applicant about facilitating the co-accused in commission of offence of rape, regarding which, the prosecutrix has made statement, which is a report, therefore, this applicant is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
4. The prosecutrix is present before this Court virtually through the help desk of District Legal Services Authority, Jagdalpur and she has made statement that she has objection in grant of bail to this applicant
5. Heard counsel for both the parties and perused the records.
6. As per case of the prosecution, it is alleged that on the date of incident, the main accused Anand Ram Mandavi with the help of the juvenile in conflict with law, abducted the minor prosecutrix and then, this applicant by use of physical force, put the prosecutrix in confinement in room, where the main accused raped her.
7. Considered on the submissions and the facts present in this case and also perused the documents filed along with the application, 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.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. 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