

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8239 of 2019

1. Shailendra Baghel @ Golu & Anr. S/o Munna Baghel Aged About 21 Years (Wrongly Mentioned As 20 Years), R/o Village - Dohatra, Chowki - Maro, Police Station - Nandghat, District - Bemetara Chhattisgarh.
2. Shatruhan Kashle @ Pappu S/o Gangaprasad Koshle Aged About 25 Years R/o Village - Dohatra, Chowki - Maro, Police Station - Nandghat, District - Bemetara Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Nandghat, District - Bemetara Chhattisgarh.

---- Respondent

For Applicants : Shri B harat Rajput, Advocate
For Respondent /State : Ms. Akshara Amit, PL
For Respondent/Complainant : Shri Deepak Kumar Singh, Advocate
Father of the complainant was present in the Court.

Hon'ble Smt. Justice Rajani Dubey

Order On Board

27/02/2020

The applicants have filed this application under Section 439 of the Code of Criminal Procedure for grant of regular bail as they are in custody in connection with Crime No.285/2019 registered at police station Nandghat, district Bemetara (CG) for the offence punishable under Sections 363,366 and 376/34 IPC and Sections 4,6 and 12 of the Protection of Children from Sexual Offences Act.

As per prosecution case, the applicants along with co-accused (juvenile) have abducted the prosecutrix from the lawful guardianship of her father and thereafter, applicant No.1 Shailendra Baghel @ Golu

has committed sexual intercourse with her on the pretext of marriage.

Counsel for the applicants submits that so far as applicant No.1 is concerned, he is not pressing the application on his behalf and wants to withdraw with liberty to revive the same after examination of the prosecutrix.

On behalf of the applicant No.2, counsel for the applicants submits that he has been falsely implicated in the case and the only allegation against him is that he has accompanied the prosecutrix and applicant No.1. He submits that the applicant is in jail since 29.11.2019 and looking to the conduct of the prosecution it is clear that the trial will take time for its conclusion.

On the other hand counsel for the State as well as father of the prosecutrix opposes the bail application.

Having heard counsel for the parties, considered the totality of the fact, in particular the nature of allegation and detention period of the applicant No.2, I am inclined to release him on regular bail. Accordingly, his application filed under Section 439 of the Code of Criminal Procedure is allowed.

It is directed that in the event of the applicant No.2-Shatruhan Koshle @ Pappu, furnishing a personal bond in the sum of Rs. 25,000/- with one surety for the like sum to the satisfaction of the concerned Court, he shall be released on bail. However, the application on behalf of applicant No.1- Shailendra Baghel @ Golu is dismissed as withdrawn with the liberty as aforesaid.

Sd/-
(Rajani Dubey)
Judge

