

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 512 of 2021

- Lakhan Puri Goswami S/o Gulab Puri Goswami, Aged About 22 Years, R/o Village- Dhabla (Barur Bazaar), P.S. Sai Khera District- Baitul, Madhya Pradesh., District : Betul, Madhya Pradesh

---- Applicant

Versus

- State Of Chhattisgarh Through, S.H.O. Ran Chirai District- Balod, Chhattisgarh., District : Balod, Chhattisgarh

---- Non-applicant

For Applicant – Mr. B.P. Singh, Advocate.

For Non-applicant/State – Ms. Smita Jha, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-03-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 24-12-2020 in connection with Crime No.149/2020 registered at Police Station – Ran Chirai District- Balod, Chhattisgarh for the offence under Section 363, 366, 368, 376(2)(८) of the IPC and Section 4/5 (८) of POCSO Act.

2. It is submitted by learned counsel for the applicant that the applicant has been falsely implicated. There is no case of rape and abduction against this applicant and therefore, no offence has been committed by this applicant. He is in jail since 24-12-2020. Hence, it is prayed that the applicant be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is evidence regarding active participation and assistance given by this applicant to the main accused in commission of the offence of abduction and rape. Therefore, he is not entitled for grant of bail.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the prosecution case, main accused Ankit Jatav abducted the minor prosecutrix and used motorcycle for the same. After arriving at the destination the motorcycle was handed over to this applicant and then the main

accused and the minor prosecutrix proceeded further. Subsequent to which, the offence of rape was committed by the main accused.

6. Considered on the submissions. Looking to the role of this applicant in the said commission of offence and other circumstances present, I feel inclined to allow this application.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge