

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 885 of 2021

Arvind @ Ravi Kumar, S/o Rajkishore, Aged About 20 Years,
Occupation Agriculturist, R/o Village Bhusu (Dandpara), Police Station
and Tahsil- Sitapur, District- Surguja (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through: The Station House Officer, Police
Station- Sitapur, District- Surguja (C.G.)

--- Respondent

For Applicant : Mr. Sumit Singh Rathore, Advocate.

For State/ Respondent : Ms. Binu Sharma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

11/02/2021

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. 207/2020, registered at Police Station- Sitapur, District- Surguja (C.G.) for the offence punishable under Section 363, 366, 376(2) (ढ) of IPC and Section 5(ढ)/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 24.12.2020 and has been falsely implicated in this case. The only allegation against this applicant is this that he has

helped the main accused by transporting the prosecutrix in his motorcycle. He is not connected with the commission of other offences, therefore, no case is made out against this applicant. 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 this applicant has actively participated in abducting the minor prosecutrix, therefore, he 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. The case of the prosecution is this, that on the date of incident, the minor prosecutrix was abducted by the co-accused- Vishwanath Nagvanshi with the help of this applicant. This applicant then, gave lift to the co-accused and the prosecutrix on his motorcycle, who were dropped on the spot, subsequent to which, the co-accused took the prosecutrix to different places and exploited her sexually.
6. Considered on the submissions and the facts present in this case. Looking to the allegation against this applicant of his limited participation in the offence committed, I am of this view that it would be proper to release the applicant on 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