

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 817 of 2021**

Bharat Chouhan @ Bholu, S/o. Late Shri Manjhilal, aged about 28 years, R/o. Nutan Chauk Sarkanda, Police Station Sarkanda, District Bilaspur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Pasaan, District Korba Chhattisgarh.

---- Respondent

For Applicant : Mr. Curtis Collins, Advocate

For Respondent/State : Mr. Akhtar Hussain, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

31/03/2021

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.85/2020, registered at Police Station – Pasaan, District – Korba (C.G.) for the offence punishable under Section 363, 376, 120(B)/34 of the Indian Penal Code and Section 4 & 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (5) of the Scheduled Castes & Schedule Tribes (Prevention of Atrocities) Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. There is no

allegation of rape made by the prosecutrix against this applicant. The only fault of the applicant is that he had been in the company of the co-accused and the prosecutrix and there is allegation of rape against the co-accused. Therefore, this applicant is innocent. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that there is evidence present to show that this applicant has abetted and conspired for commission of crime of abduction and rape, therefore, he is not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. Case of the prosecution is this that on the date of incident this applicant, main accused – Aman Kori, the prosecutrix and other accused persons went on a vehicle to visit Amarkantak. While returning from Amarkantak, all of them stopped in between and during that time, co-accused Aman Kori took away the minor prosecutrix and raped her regarding which, FIR has been lodged.
6. Considered on the submissions and the facts and circumstances that are present and also looking to the nature of role played by this applicant, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.
7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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 today.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram