

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 1684 of 2021**

Ganga Ram @ Ganga Singh Saini, S/o. Sher Singh Saini, aged about 30 years, R/o. Bilasi Basti No. 6, Ward No. 16, Thana Bilasi District Badayu (U.P.). Present Address Mubarakpur, P.G.S. Eit Bhattha, Thana and District Mubarakpur (Punjab).

---- Applicant**Versus**

State of Chhattisgarh, Through : Police Station -Shivrinarayan, District Janjgir Champa Chhattisgarh.

---- Respondent

For Applicant	: Mr. Vikash Kumar Pandey, Advocate
For Respondent/State	: Ms. Hamida Siddiqui, Dy.A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/07/2021**

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.123/2015, registered at Police Station – Shivrinarayan, District – Janjgir-Champa (C.G.) for the offence punishable under Section 363, 366, 376, 34 of the Indian Penal Code and Section 4, 6 of the POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 14.12.2020. Charge-sheet in this case has been filed and

the trial is not making any progress. The other co-accused persons in this case namely Antram, Smt. Teras Bai and Hariom have been granted bail by this Court vide order dated 16.03.2021 in M.Cr.C. No. 982/2021 and M.Cr.C.No.1001/2021 respectively. Hence, it is prayed that the applicant may be enlarged on regular 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 the applicant is the main accused, who alleged to have raped the minor prosecutrix, therefore, his case is different from the other co-accused persons and he is not entitled for grant of bail.
4. The minor victim is present virtually before this Court on notice through the Help Desk of this High Court and she has no objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. The case of the prosecution is this that the minor prosecutrix was abducted by the co-accused persons Antram and others and then, she was taken to Delhi and other places and lastly she was forced to marry this applicant, subsequent to which, she was sexually exploited by this applicant until she was recovered on 31.07.2015.
7. Considered on the submissions and the facts of the case. The prosecutrix is major at present and she also has no objection in grant of bail to this applicant and also for the reason that the other co-accused persons have been enlarged on bail by this Court, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

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

Balram