

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1944 of 2021

Phoolsai Beck, S/o Bikeshwar Beck, Aged About 21 Years, Present R/o Village Jodhpur, Mission Para, PS Chando, District- Balrampur- Ramanujganj (C.G.)

--- Applicant

Versus

State of Chhattisgarh, Through the Station House Officer, PS Chando, District- Balrampur- Ramanujganj (C.G.)

--- Respondent

For Applicant : Mr. Jitendra Shrivastava & Mr. Hariom Rai, Advocates
For State/ Respondent : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order on Board

18/03/2021

1. Heard on admission.
2. Admit.
3. Learned State counsel submits that the case diary is available.
4. Both the counsel have agreed to make their submissions.
5. 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. 24/2020, registered at Police Station- Chando, District- Balrampur- Ramanujganj (C.G.) for the offence punishable under Section 363, 366, 376 & 506/34 of IPC, Section 4, 19 & 21 of the

Protection of Children from Sexual Offences Act, 2012 and Section 5/180 & 130/177 of the Motor Vehicles Act.

6. Learned counsel for the applicant submits that the applicant is in jail since 18.10.2020 and has been falsely implicated in this case. There is no allegation present against this applicant in the statement of the prosecutrix regarding commission of any offence, hence, it is prayed that this applicant may be enlarged on bail.
7. On the other hand, learned counsel for the State opposes the bail application submitting that there is evidence that this applicant facilitated the other co-accused in commission of offence of abduction and rape, therefore, he is not entitled for grant of bail. Hence, the application for grant of bail may be rejected.
8. Heard counsel for both the parties and perused the records.
9. The case of the prosecution is this, that the prosecutrix had come to the house of this applicant asking for remuneration of labour work. The applicant asked for sometime to make payment, because of which, she stayed back in his house. The prosecutrix herself made contact with other co-accused namely Ardiyan @ Nandu, who came with another co-accused namely Amit Tirkey @ Bhangad. It is alleged that these co-accused persons abducted the prosecutrix, took her to Jharkhand, where she was raped by co-accused Ardiyan @ Nandu.

10. Considered on the submissions and the facts present in this case. Looking to the statement of the prosecutrix given in the investigation regarding this applicant, this applicant deserves to be granted bail. Hence, I feel inclined to allow the bail application of this applicant.
11. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
12. 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