

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1746 of 2021

- Amit Koshle S/o Anuj Koshle Aged About 19 Years R/o Budhwara Police Station Fasterpur District Mungeli Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer Police Station Fasterpur District Mungeli Chhattisgarh

---- Non-applicant

For Applicant : Mr. Bharat Gulabani, Advocate.

For Non-applicant/State : Mr. Afroz Khan, Panel Lawyer.

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

09-03-2021

Heard

1. Admit.
2. Learned State counsel submits that case diary is available.
3. Learned counsel for both the parties have agreed to make submissions.
4. Also heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 05.02.2020, in connection with Crime No.178/2020 registered at Police Station-- Fasterpur, District- Mungeli, C.G. for offence punishable under Sections 363, 366, 376 & 34 of I.P.C. and Section 04 and 06 POCSO Act.
5. It is submitted by the learned counsel for the applicant that the applicant is innocent and has been falsely implicated in this case. He has not committed any offence. The only allegation against this applicant is about assisting the co-accused person in abduction of the prosecutrix. Similarly placed other co-accused persons namely Sushil Kumar Patre, Mannu Patre, Naresh Patre, Anuj Koshale and Meena Koshale have

been granted bail by the trial Court itself. Therefore, this applicant is also entitled for grant of bail.

6. Learned counsel for the State/non-applicant opposes the application and submits that the statement of prosecutrix very clearly alleges regarding the participation of this applicant in abduction of the minor prosecutrix, therefore, he is not entitled for grant of bail.
7. Heard learned counsel for the parties and perused the case diary.
8. According to the prosecution case, it is alleged that the main accused Sushil Kumar Patre abducted the minor prosecutrix with the help of this applicant, then she was kept in his custody and was exploited sexually, in which the other co-accused persons have played their part. Hence, this case.
9. Considered on the submissions. Looking to the nature of allegation present against this applicant and finding that he is not the main accused and also that similarly placed co-accused person have been granted bail. Therefore, I feel inclined to allow this application.
10. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
11. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge