

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2061 of 2021**

Gulshan Kumar Kewart Son Of Kamal Narayan Kewart Aged About 27 Years
R/o. Village Nawapara Katgi, Police Station Ghirdhoury, District
Balodabazar-Bhatapara (Chhattisgarh) (wrongly written as Raigarh).

---- Applicant**Versus**

State Of Chhattisgarh Through The Station House Officer, Police Station
Kosir, District : Raigarh, Chhattisgarh.

---- Respondent

For the Applicant : Shri Basant Kaiwartya, Advocate.
For the Respondent/State : Shri Anil Tripathi, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****23.07.2021**

Heard.

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.15 of 2020, registered at Police Station – Kosir, District – Raigarh, Chhattisgarh for the offence punishable under Sections 363, 366 and 376 of the Indian Penal Code, Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012 and Section 3(2)(v) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.10.2020 and has been falsely implicated in this case. After completion of investigation, the charge-sheet has been filed. The allegation

of rape is against co-accused – Krishna Sahu. The applicant has not participated in the commission of said offence. Hence, it is prayed that the applicant be enlarged 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 that he assisted the main accused because of which, the commission of offence was facilitated. Hence, no case is made out for grant of bail to the applicant.

4. The minor prosecutrix is present before this virtual Court through the Help-Desk of DLSA, Raigarh. She made a statement that she has objection in grant of bail to the applicant.

5. Heard counsel for both the parties and perused the case diary.

6. According to the prosecution case, co-accused – Krishna Sahu had acquaintance with the minor prosecutrix. On a phone call, the prosecutrix came to meet co-accused – Krishna Sahu and this applicant was present at that time with his motorcycle. The co-accused and the victim both traveled in that motorcycle, which was stopped in between during which, the co-accused took the minor prosecutrix towards the field where he committed the offence of rape. Subsequent to which, the co-accused refused to marry the minor prosecutrix. Hence, the FIR has been lodged.

7. Considered on the submissions. Although, there is evidence of

participation of this applicant but he is not the accused in the offence of rape,. Hence, despite objections, I feel inclined to grant regular bail to the applicant.

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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge