

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 2371 of 2021**

- Tilak Ram, S/o Late Jeetkrishna Ram, Aged About 26 Years, R/o Village- Bhelwatoli, Post- Basantala, Police Station-Narayanpur, District- Jashpur, Chhattisgarh.

---- Applicant**Versus**

- State of Chhattisgarh Through- Station House Officer, Police Station-Narayanpur, District- Jashpur, Chhattisgarh.

---- Respondent

For Applicant : Mr. J.K. Saxena, Advocate.

For State/respondent : Ms. Akshara Amit, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****03/08/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.26/2020 registered at Police-Station-Narayanpur, District-Jashpur(C.G.) for the offence punishable under Sections 341, 342, 363, 354, 354(३), 506, 188, 323/34 of IPC and Section 9, 10 of POCSO Act, 2012 .
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 23.04.2020. Charge-sheet has been filed and the trial is not making any progress. The co-accused Kishore Lakra has been granted regular bail by this Court in MCRC No.1500/2021. The applicant is also

similarly placed, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that there is clear evidence present against this applicant and also the co-accused and there is also one eyewitness namely-Bhupendra Das, regarding the incident, therefore, there is no case present for grant of bail to the applicant.
4. Notice was issued to the complainant, which has been returned served but there is no appearance and no representation.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that this applicant with the help of co-accused abducted the minor prosecutrix of age about 15 years, who was then taken to a jungle where this applicant and the co-accused disrobed her and by use of physical force outraged her modesty. The prosecutrix somehow escaped herself then the written complaint was lodged on the basis of which FIR has been lodged.
7. Considered on the submissions. The case is now pending for trial. The applicant is in detention since about one year and four months and no purpose would be served if the applicant is kept in detention till the conclusion of trial. For this reason, I am of this view that this is a fit case where the applicant should be released on bail during the pendency of the case against him.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his

furnishing a personal bond for a 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.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha