

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 2556 of 2021**

Sushil Tekam, S/o. Late Krishnasingh Tekam, aged about 35 years, By Caste Gond, R/o Tekampara Korar, Thana Korar, Tahsil Bhanupratappur, District Uttar Baster Kanker Chhattisgarh.

---- Applicant

Versus

The State of Chhattisgarh, Through : Police Station Korar, District Uttar Baster Kanker Chhattisgarh.

---- Respondent

For Applicant : Mr. Parag Kotecha, Advocate

For Respondent/State : Mr. Sameer Uraon, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board**30/07/2021**

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.77/2020, registered at Police Station – Korar, District U.B. Kanker (C.G.) for the offence punishable under Section 376 (3), 376 (2) (ढ), 376 (ध, क), 342, 506 of the Indian Penal Code and Section 4, 6 of the POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The The applicant is in jail since 17.12.2020. Charge-sheet in this case has been filed. There is no charge of rape or abetment to commit the offence of rape against this applicant. 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 this applicant had facilitated the commission of offence by the main accused person. Therefore, he is not entitled for grant of bail.

4. Prosecutrix is present virtually before this Court on notice through the Help Desk of District Legal Services Authority – Kanker and she has 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. According to the prosecution case, the co-accused Ghurwaram Yadav abducted the minor victim of age 14 years and 3 months and then by putting her under threat, he took her to village and place of residence of this applicant, here the applicant gave shelter to both of them for one night, during which, the minor prosecutrix was raped by the co-accused.
7. Considered on the submissions. After considering on the nature of allegation present against this applicant, 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