

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

MCRC No. 3303 of 2021

Manrakhan and another **Versus** State Of Chhattisgarh

22/06/2021	None for the applicants. Shri Sameer Oraon, Govt. Advocate for the State. The prosecutrix is virtually present through Help Desk of DLSA Balod, she has strong objection in grant of bail to the applicants. Put up this case later on. Sd/- (Rajendra Chandra Singh Samant) Judge

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HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.3303 of 2021

1. Manrakhan S/o Ram Kishan Sori Aged About 36 Years R/o Village Limaudih P.S. Daundi District- Balod Chhattisgarh
2. Tularam Vishwakarma S/o Late Jay Singh Vishwakarma Aged About 65 Years R/o Village Limaudih P.S. Daundi District- Balod Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through S.H.O. Daundi District- Balod Chhattisgarh

---- Non-applicant

For Applicant : Mr. B.P. Singh, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

22-06-2021

1. At the outset, learned counsel for applicants seeks permission to withdraw the bail application filed under Section 439 of Cr.P.C. by applicant No.1.
2. Therefore, the bail application filed under Section 439 of Cr.P.C. so far which relates to applicant No.1 is dismissed as withdrawn.
3. 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 No.2 has been arrested on 07.02.2021, in connection with Crime No.14/2021 registered at Police Station— Daundi District- Balod, C.G. for offence punishable under Sections 363, 366(a), 376 (a) and (b) of I.P.C. and Sections 4, 5 (E) and 6 of POCSO Act.
4. It is submitted by the learned counsel for the applicant No.2 (Tularam Vishwakarma) that the applicant No.2 has been falsely implicated in this case. The only evidence present shows that this applicant was that he was found nearby and there is no such evidence that he has abetted the

commission of offence of rape by the other co-accused person. He is in jail since 07.02.2021, therefore, it is prayed that the applicant No.2 may be granted bail.

5. Learned counsel for the State/non-applicant opposes the application and submits that the presence of the applicant No.2 near the spot of incident is itself suggestive that he was abetting the commission of offence of rape. In this case the age of the victim is only about 11 years, therefore, it is a serious case, hence, applicant No.2 is not entitled for grant of bail.
6. The prosecutrix has appeared through the Help Desk of DLSA Balod, and she has strong objection in grant of bail to the applicants.
7. Heard learned counsel for the parties and perused the case diary.
8. According to the prosecution case, it is alleged that on the date of incident, co-accused Manrakhan established physical relation with the minor victim of age about 11 years. During that incident, the applicant No.2 was standing as guard near the motor cycle. Hence, this case.
9. Considered on the submissions. Looking to the nature of allegation against the applicant No.2 in the present case and other circumstances present, I feel inclined to allow this application.
10. Consequently, this application filed by the applicant No.2 under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant No.2 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.

Sd/-
(Rajendra Chandra Singh Samant)
Judge