

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No. 2649 of 2021

- Raja @ Lakheshwar Baghel S/o Dharam Singh Baghel, Aged About 22 Years R/o Matwari, P.S. Palari, District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station Vidhan Sabha, Raipur, District Raipur Chhattisgarh

---- Non-applicant

And

M.Cr.C. No. 3269 of 2021

- As Kumar Manhare S/o Shri Jethuram Manhare Aged About 22 Years R/o Village Goda, Police Station Palari, District Baloda Bazar, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Vidhan Sabha, District Raipur, Chhattisgarh

---- Respondent

For Applicant (in M.Cr.C. No.2649/2021): Mr. C.R. Sahu, Advocate.

For Applicant (in M.Cr.C. No.3269/2021): Mr. Om Kukreja, Advocate.

For Non-applicant/State : Mr. Ashish Tiwari, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

08-06-2021

Heard.

1. As both these applications arise out of the same crime numbers i.e. Crime No.49/2021, registered at P.S.- Vidhan Sabha, District- Raipur (C.G.) for the offence under Sections 363, 366, 376(2)(n) of I.P.C. Act and Sections 4 & 6 of POCSO Act, they are being decided by this common order.
2. Learned counsel for the applicant Raja @ Lakheshwar Baghel submits

that this applicant has been falsely implicated. He has not committed any offence. The only statement against him given by the prosecutrix is this that he was driving the motor cycle, on which the main accused and the prosecutrix were taken to some place. Hence, the applicant is entitled for grant of bail.

3. Learned counsel for the applicant – A.S. Kumar Manhare submits that the applicant has been falsely implicated, the prosecutrix has very clearly made statement under Section 164 of Cr.P.C. that she was not raped. Charge sheet has been filed. Therefore, this applicant is also entitled for grant of bail.
4. Learned counsel for the State/non-applicant opposes the application and submits that there is clear evidence present against both the applicants, therefore, they are not entitled for grant of bail.
5. Complainant- Uttam Kumar Gendre is virtually present before this Court through Help Desk. He has objected in grant of bail to the applicants in both the cases.
6. Heard learned counsel for the parties and perused the case diary.
7. According to the prosecution case, the minor prosecutrix of age 15 years and 06 months was enticed and abducted by the applicant- A.S. Kumar Manhare with the help of applicant- Raja @ Laksheshwar Baghel. The applicant A.S. Kumar Manhare kept the prosecutrix in his custody in the place of his relative, where he forcefully performed sexual intercourse with her continuously for some days. Hence, this case.
8. Considered on the submissions. The role of the applicant Raja @ Laksheshwar Baghel appears to be very limited, as he was driving motor cycle, on which the main accused and the prosecutrix had traveled. The main offence has been committed subsequently to that by the other co-accused that is applicant- A.S. Kumar Manhare. Although the statement

of the prosecutrix is contradictory in the statement under Section 164 of Cr.P.C. that there is clear allegation in her statement under Section 161 of Cr.P.C. against applicant- A.S. Kumar Manhare and further, the complainant has strong objection, therefore, I do not feel inclined to grant bail to applicant- A.S. Kumar Manhare. However, on the basis of the facts present against applicant Raja @ Lakheshwar Baghel his case appears to be fit for grant of bail.

9. Consequently, the application filed by the applicant- A.S. Kumar Manhare under Section 439 of the Cr.P.C. for grant of regular bail is hereby rejected and the application filed by the applicant- Raja @ Lakheshwar Baghel under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the applicant- Raja @ Lakheshwar Baghel 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 Court, for his appearance as and when directed.

10. Certified copy as per rules.

Monika

Sd/-
(Rajendra Chandra Singh Samant)
Judge