

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3048 of 2021**

Phool Prakash S/o Shri Upendra Aged About 29 Years Caste Nai, R/o Village Salhi Manwarpara, P.S. And Tahsil Ramanujnagar, District Surajpur Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through S.H.O. P.S. Ramanujnagar, Surajpur, District Surajpur Chhattisgarh.

---- Respondent

For the Applicant : Shri Gyan Prakash Shukla, Advocate.
For the Respondent/State : Smt. Hamida Siddique, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.08.2021**

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.48 of 2021, registered at Police Station – Ramanujnagar, District – Surajpur, Chhattisgarh for the offence punishable under Section 376(2)(n), 376(D) and 342 of the Indian Penal Code and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 9.3.2021 and has been falsely implicated in this case. According to the FIR and the statement of the prosecutrix, this applicant has not participated in the commission of offence of rape. The allegation of rape is against the

co-accused, namely, Pradeep Kumar Singh. FIR is delayed by two days. 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 clear statement that he facilitated the commission of offence with the minor prosecutrix by the co-accused person. Hence, no case is made out for grant of bail to the applicant.

4. The prosecutrix was present before this Court on 30.7.2021 and she has made a statement of no 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, on the date of incident, co-accused – Pradeep Kumar Singh called the minor prosecutrix inside the shop, who was in company of her cousin sister. After both of them insider the shop, this applicant closed the door of the shop from the outside. Subsequent to that, the co-accused raped the minor prosecutrix regarding which, FIR has been lodged.

7. Considered the submissions and the facts present in this case. Looking to the major allegation present against this applicant and also the statement of no objection made by the prosecutrix herself, 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