

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3305 of 2021

- Gadalu @ Sujeet Anuragi S/o Bhola alias Rajeshwar, Aged About 21 Years, R/o Village Pendri, Thana Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Police Station Masturi, District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

----Non-applicant

For Applicant – Mr. Amit Kumar, Advocate.

For State/Non-applicant – Ms. Shivali Dubey, Panel Lawyer.

Mr. Keshav Dewangan, Advocate for the objector.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

14-07-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 25-04-2021 in connection with Crime No.168/2021 registered at Police Station – Masturi, District Bilaspur, Chhattisgarh for the offence under Section 363, 366, 376 read with Section 34 of the IPC and Section 4 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted by learned counsel for the applicant, that the applicant has been falsely implicated. There is no evidence against this applicant that he abducted the minor prosecutrix and raped her. All the allegations, that are present, are against main accused Gajendra. Therefore, it is prayed that this applicant be enlarged on bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that this applicant has played active role in abduction of the minor victim and therefore, he is also abettor for commission of crime of rape. Hence, his application may be rejected.

4. Learned counsel for the objector objects to grant of bail to this applicant

submitting that the minor victim was aged only about 14 years who was abducted by the main accused with the help of this applicant. It was this applicant who abducted the minor victim and delivered to the main accused person. Hence, he is not entitled for grant of bail.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the minor prosecutrix and main accused Gajendra were acquainted to each other. On the date of incident main accused Gajendra and this applicant both came to the house of the minor victim, from where she was abducted and taken by accused Gajendra to a place of his relative where she was raped. Hence, this case.

7. Considered on the submissions. According to the statement of the prosecutrix under Section 161 and 164 of the Cr.P.C. presence of this applicant is found only at the initial stage and all the subsequent acts have occurred in which main accused has played the role. Hence, looking to these circumstances, I feel inclined to allow this application.

8. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. It is directed that the 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 Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge