

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4471 of 2021**

- Akhilesh Minz, Son Of Adverd Minz, Aged About 31 Years Caste - Urao, R/o. Village - Remte, Police Station - Kunkuri, District-Jashpur (Chhattisgarh).

---- Applicant**Versus**

- State of Chhattisgarh Through Police Station Kunkuri, District-Jashpur (Chhattisgarh).

---- Respondent

For Applicant	: Mr. D. Kushwaha, Advocate.
For State/respondent	: Mr. Samir Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order On Board****16/08/2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.36/2021 registered at Police-Station-Kunkuri, District-Jashpur(C.G.) for the offence punishable under Sections 366, 376(2)(N), 506b, 34, 365, 366(A) of IPC and Section 4, 5(L), 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. There is no allegation of rape against the present applicant, although it is shown that he was in company of the co-accused person, but there is no material present against this applicant either abetted or assisted in the commission of offence. Therefore, he may be granted bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that looking to the statement of witnesses present in evidence, the offence of furtherance of common intention and abetment is made out against this applicant, hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA, Jashpur on 9.8.2021. She had stated that she has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that on the date of incident co-accused Ganesh Yadav and this applicant both forcefully abducted the prosecutrix and her friend, who were taken to different places where the prosecutrix was kept in custody by the main accused person and also sexually exploited by him.
7. Considered on the submissions. Looking to the nature of allegations against this applicant, I feel inclined to allow the application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a 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

Sd/-
(Rajendra Chandra Singh Samant)
Judge