

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4157 of 2021

- Thakur Prasad S/o Laxmi Prasad, Aged About 50 Years, R/o Village Gumgarakhurd, Police Station Lakhanpur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through Station House Officer, Police Station Mahila Thana Ambikapur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

----Non-applicant

For Applicant – Shri Jitendra Shrivastava, Advocate.

For Non-applicant/State – Shri Amit Kumar Verma, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

27-07-2021

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 31-05-2021 in connection with Crime No.19/2021 registered at P.S. - Mahila Thana Ambikapur, District Surguja, Chhattisgarh for the offence under Section 363, 366, 342, 376(2) (᳚), 294, 323, 506, 34 of the IPC and Section 5, 6 of Protection of Children from Sexual Offences Act, 2012.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 31-05-2021. The applicant is not the main accused in this case. The statement of the prosecutrix herself shows presence of the applicant only in the Court, where he helped the main accused in doing some paper work. Therefore, he is not involved in the offence committed. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant had assisted in commission of offences by the main accused, therefore, he is not entitled for grant of bail.

4. Notice issued to the complainant has been returned served, but there is no appearance and no representation.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, it is alleged that main accused Sunil Kumar abducted the minor prosecutrix and kept her in his custody for about five months, during which he exploited her sexually. On one occasion the main accused took the prosecutrix to the Court for doing some paper work where this applicant was present who assisted in completion of the paper work.
7. Considered on the submissions. Looking to the nature of the allegation that is present against this applicant, 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