

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5560 of 2021

- Vicky Badhai S/o Late Manoj Badhai, Aged About 19 Years, R/o Village Kerwashila, PS - Ramanujganj, District- Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through:- PS Balrampur, District-Balrampur-Ramanujganj, Chhattisgarh, District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri Dheerendra Pandey, Advocate.

For Non-applicant/State – Smt. Hamida Siddiqi, Deputy Advocate General.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

09-09-2021

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 25-03-2021 in connection with Crime No.49/2021 registered at Police Station - Balrampur, District - Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 363, 366, 368, 376 of the IPC and Section 5(L) & 6 of POCSO Act.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 25-03-2021. The applicant has been made an accused in this case only for the reason that he is owner of the motorcycle which was used by the main accused Vinay Haldar for abducting the minor prosecutrix. The applicant has no connection with the crime committed. Therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application submitting that this applicant has facilitated the commission of crime by the main accused by providing him his motorcycle. Therefore, the application may be rejected.

4. The prosecutrix was virtually present before this Court on 02-09-2021 on notice and objected grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, co-accused Vinay Haldar abducted the minor prosecutrix, kept her in his custody and also exploited her sexually knowing well that she was minor. The co-accused used the motorcycle of this applicant for abducting the minor victim. Hence, this case.
7. Considering nature of the allegation that is present against this applicant, I am of this view that he is entitled for grant of bail.
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