

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5426 of 2021

- Kishan Kewant S/o Peela @ Ajit Kewant Aged About 24 Years R/o Vill. Ghaghara, P.S.- Kharsiya, Taluka Kharsiya - District - Raigarh (Chhattisgarh)

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station - Kharsiya, Distt. Raigarh (Chhattisgarh), Taluka - Kharsiya, Distt. Raigarh (Chhattisgarh)

---- Non-applicant

For Applicant : Mr. Sanjay Agrawal, Advocate.

For Non-applicant/State : Mr. Ajay Kumrani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-09-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 15.07.2021, in connection with Crime No.115/2019, registered at Police Station- Kharsiya, District- Raigarh, C.G. for offence punishable under Sections 376(2)(h), (i), (n), 506(B) and 454/34 of I.P.C. and Sections 4 and 6 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that this applicant has been falsely implicated in this case. The applicant is in jail since 15.07.2021. No offence has been committed by this applicant. Similarly placed co-accused persons namely Hemant @ Mantu Rathore had been granted bail by this Court. Therefore, it is prayed that this applicant may also be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that there is clear allegations present against this applicant in the diary statement of the witnesses regarding sexual exploitation of the minor prosecutrix, therefore, it is prayed that this application may be rejected.

4. Notice issued to the complainant has been returned served on 26.08.2021 but there is no appearance no representation from complainant side.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, the minor prosecutrix is below 18 years and she was sexually exploited by co-accused Mantu Rathore. Subsequent to which, this applicant and the other co-accused persons have sexually exploited her, on different occasions regarding which F.I.R. has been lodged. Hence, this case.
7. Considered on the submissions and the facts present in this case as the co-accused Hemant @ Mantu Rathore has been granted bail in M.Cr.C. No.8528/2019 vide order dated 14.02.2020 and the other co-accused Sanjay has been granted bail in M.Cr.C. No.4319/2020 vide order dated 21.07.2020 and this applicant also appears to be similarly placed, therefore, 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