

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.5726 of 2021

- Nirendra Khadiya S/o Ishwar Prasad Khadiya Aged About 27 Years R/o Village Trikutipara Chandan Police Station- Rajadevri, District (Revenue And Civil)- Balodabazar-Bhatapara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station- Rajadevri, District- (Revenue And Civil) Balodabazar-Bhatapara, Chhattisgarh

---- Non-applicant

For Applicant : Mr. Sumit Jhawar, Advocate.

For Non-applicant/State : Mr. Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-09-2021

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 11.06.2021, in connection with Crime No.25/2021, registered at Police Station- Rajadevri (Revenue & Civil)- Balodabazar-Bhatapara, C.G. for offence punishable under Section 363, 366, 506, 294, 323, 34 and 376 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 11.06.2021. This applicant is not the main accused. The only allegation against this applicant is this that he provided a mobile phone to the main accused Charan Singh Netam, who is the person who has abducted and sexually exploited the minor prosecutrix, therefore, there is no role played by this applicant in commission of this offence, hence, it is

prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that this applicant has actively assisted the co-accused in abduction of the minor prosecutrix, therefore, he is not entitled for grant of bail.
4. The prosecutrix is physically present before this Court and she has made a statement of no objection in grant of bail to the applicant.
5. Heard learned counsel for the parties and perused the case diary.
6. According to prosecution case, the co-accused Charan Singh Netam had sexually exploited the minor prosecutrix of age 14 years for about more than 02 years on pretext that he will marry her in future. It is alleged that the co-accused- Charan Singh Netam abducted the minor prosecutrix and then with the help of this applicant, he took the minor prosecutrix to Allahabad (U.P.) where in kept her in his custody and exploited her sexually until she was recovered by the police. Hence, this case.
7. Considered on the submissions. Looking to the limited role of this applicant in the said commission of offence, 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