

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6164 of 2021

- Sanjay Kumar @ Sanju Markam, S/o Bhuneshwar Markam, Aged About 21 Years, R/o Village Bhainsamuda, P.S. Nagri, District Dhamtari (C.G.), District : Dhamtari, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: Station House Officer, P.S. Nagri, District Dhamtari (C.G.), District : Dhamtari, Chhattisgarh

----Non-applicant

For Applicant – Shri Prasoon Agrawal, Advocate.

For Non-applicant/State – Shri Ajay Kumarani, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

21-09-2021

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 19-06-2021 in connection with Crime No.72/2021 registered at Police Station - Nagri, District Dhamtari, Chhattisgarh for the offence under Section 363, 366, 366(क), 376 of the IPC r/w Section 6, 17 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 19-06-2021. The prosecutrix in this case has not made any kind of allegation against this applicant. Main accused in this case is co-accused Rajkumar Sori against whom there is allegation of rape by the prosecutrix. Hence, there is no case present against this applicant. Therefore, it is prayed that the applicant may be granted bail.

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

4. The complainant had virtually appeared before this Court through the

Help Desk of DLSA Dhamtari on 20-09-2021 on notice and stated that he has objection in grant of bail to the applicant.

5. Heard learned counsel for the parties and perused the case diary.

6. According to the prosecution case, the minor prosecutrix had acquaintance with co-accused Rajkumar Sori since about two years who forcibly had physical relation with her on more than one occasions. The allegation against this applicant is only to this extent that he was in company of the co-accused on one occasion. Hence, this case.

7. Considered on the submissions. Looking to the statement of the prosecutrix under Section 164 of the Cr.P.C. and the circumstances that are present, 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