

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 6122 of 2021

- Rajendra Gupta S/o Lt. Shri Bindeshwari Gupta, Aged About 37 Years, R/o Village Trishuli, Police Station Sanawal, District Balrampur - Ramanujganj, Chhattisgarh., District : Balrampur, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh, Through: the Police Station Sanawal, District Balrampur - Ramanujganj (Chhattisgarh)., District : Balrampur, Chhattisgarh

----Non-applicant

For Applicant – Shri V.K. Pandey, Advocate.

For Non-applicant/State – Shri Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

23-09-2021

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 15-10-2020 in connection with Crime No.52/2020 registered at P.S. - Sanawal, District Balrampur - Ramanujganj (Chhattisgarh) for the offence under Section 363, 366, 370, 376(2)(n) of the IPC, Section 4 & 6 of the POCSO Act, 2012 and Section 3(2)(v) of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. It is submitted on behalf of the applicant, that the applicant has been falsely implicated. He is in jail since 15-10-2020. Charge sheet has been filed. Co-accused persons, namely, Krishna Pal, Radha Pal and Raju Pal have been granted bail. Out of these co-accused Raju Pal is the main accused. The only allegation against present applicant was this, that he used to allure the minor prosecutrix for marrying her off to somebody in Sagar. There is no case present against this applicant. Therefore, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Notice issued to the complainant has been returned served for a fixed date 16-09-2021, 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 this applicant and co-accused Radha Pal used to entice and allure the minor prosecutrix that they will marry her off to somebody well placed in Sagar. The minor prosecutrix was also enticed to have telephonic conversation with Raju Pal. Subsequent to that, co-accused Raju Pal abducted the minor prosecutrix, took her to Sagar, married her and exploited her sexually. Hence, this case.
7. Considered on the submissions. For the reason that the co-accused persons who are similarly placed have been granted bail, 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