

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 6410 of 2021**

- Shatrughan Nirmalkar, S/o Shri Manharan Nirmalkar, Aged About 35 Years Behind Vivkanand Ashram Idgah Bhata Gali No. 13 Ajad Chowk, District : Raipur, Chhattisgarh

---- Applicant

Versus

- State of Chhattisgarh Through P.S. - City Kotwali Mungeli, District : Mungeli, Chhattisgarh

---- Respondent

For Applicant : Mr. Dheerendra Pandey, Advocate.

For State/respondent : Mr. Samir Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

05/10/2021

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 on behalf of the applicant for grant of regular bail to him as he is in custody in connection with Crime No.315/2021 registered at Police-Station-City Kotwali, Mungeli, District-Mungeli, Chhattisgarh for the offence punishable under Sections 363, 366, 376/34 of IPC and Sections 4 & 6 of POCSO Act, 2012.
2. It is submitted by the learned counsel for the applicant, that the applicant has been falsely implicated in this case. He is in jail since 06.08.2021. Charge-sheet has been filed. This applicant has not committed any offence either of abduction or of rape of the minor prosecutrix. He was only the driver of the vehicle, which was used by

the co-accused persons for abducting the minor prosecutrix, therefore, there is no case present against this applicant, hence, it is prayed that this applicant may be enlarged on regular bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submission made in this respect. It is submitted that this applicant has played a role in abducting the minor prosecutrix according to the evidence present, therefore, there is no case made out for grant of bail to the applicant. Hence, the application be rejected.
4. The prosecutrix had virtually appeared before this Court through the 'Help Desk' of DLSA Mungeli on 27.09.2021. She had stated that she has objection in grant of bail to this applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per prosecution case, it is alleged that on the date of incident the co-accused Ameen Siddiqui and Vickey Manikpuri taking help of this applicant, who was driver of the car abducted the minor prosecutrix and she was taken to Raipur from where this applicant came back. Subsequent to that the co-accused Ameen Siddiqui has sexually exploited and raped the minor prosecutrix on more than one occasions.
7. Considered on the submissions. Looking to the nature of allegation that is present against this applicant, I feel inclined to allow the bail application of this applicant.
8. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety in

the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)

Judge

Nisha