

**HIGH COURT OF CHHATTISGARH, BILASPUR****M.CR.C. No. 6495 of 2021**

Heeraman @ Mehtaru S/o Sudama Sen Aged About 23 Years R/o Bijnapur,  
Outpost Mohara, District Rajnandgaon Chhattisgarh

---- Applicant

**Versus**

State Of Chhattisgarh Through Out Post Mohara, Police Station Dongargarh,  
District Rajnandgaon Chhattisgarh

---- Respondent

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For Applicant : Mr. Anil Gulati, Advocate

For Respondent/State : Mr. Ankur Kashyap, P.L.

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**Hon'ble Shri Justice Rajendra Chandra Singh Samant**

**Order On Board**

**29/09/2021**

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant, who has been arrested in connection with Crime No.473/2020, registered at Police Station – Dongargarh, Out Post Mohara, District – Rajnandgaon (C.G.) for the offence punishable under Section 363, 376/34 of the Indian Penal Code and Section 4 of Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in this case. The applicant is in jail since 23.10.2020. There is no allegation of rape against this applicant the only statement of the prosecutrix against this applicant is

this that he was in company of the main accused person, when the prosecutrix was abducted. The applicant was also not present when the prosecutrix was raped by the co-accused person. Therefore, there is no case present against this applicant. Hence, it is prayed that the applicant may be released on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that this applicant has actively participated and facilitated the commission of offence by the co-accused person, therefore, he is not entitled for grant of bail.
4. Prosecutrix is virtually present before this Court on notice through the help desk of D.L.S.A. Rajnandgaon. She has objection in grant of bail to the applicant.
5. I have heard the learned counsel for both the parties and perused the case diary.
6. As per the prosecution case, it is alleged that on the date of incident, the co-accused Bhojram came along with this applicant on a motor cycle, who then forced the minor victim by putting her under threat and abducted her. The victim was taken to a school building, where she was raped by the co-accused person.
7. Considered on the submissions. The statement of the victim shows that this applicant was in company of the main accused only for a limited time and he was not present when the offence of rape was committed, hence for this reason, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular bail.

8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
9. It is directed that 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 trial Court, for his appearance as and when directed.

Certified copy as per rules.

**Sd/-**  
**(Rajendra Chandra Singh Samant)**  
Judge

Balram