

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.8083 of 2020

- Keshav @ Lala S/o Sundar Lal Aged About 22 Years R/o Village Funga, P.S. Khadgawa, District Koriya Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through S H O Khadgawa, District Koriya Chhattisgarh

---- Non-applicant

For Applicant : Mr. Vijay Kumar Sahu, Advocate.

For Non-applicant/State : Mr. Adil Minhaj, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

06-01-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. The applicant has been arrested on 07.05.2020, in connection with Crime No.45/2020, registered at Police Station- Khadgawa, District- Koriya, C.G. for offence punishable under Sections 363, 366(क), 370, 506, 354 read with Section 34 of I.P.C. and Section 08 of POCSO Act.
2. It is submitted by the learned counsel for the applicant that the applicant has been falsely implicated in the case. The victim of this case had willingly gone with the applicant and the other co-accused in search of livelihood and as soon as the parents of the victim became concerned, she was immediately sent by the applicant to the co-accused to her village without any delay, therefore, the intention of the applicant and the co-accused were not with regard to commission of any crime. The other allegation regarding outraging modesty of the victim is totally false. The applicant is in jail since 07.05.2020. Charge-sheet has been filed, therefore, it is prayed that he may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the applicant and the co-accused both have in a deceitful manner, abducted the minor victim of age about 14 years and took her to a place where this applicant made an attempt to ravish her in which he failed. Looking to the statement that has been given by the victim no case is made out for grant of bail to the applicant.
4. Heard learned counsel for the parties and perused the case diary.
5. According to the prosecution case, the minor victim aged about 14 years was allured by the co-accused- Rakha stating that she will get the victim some job to earn her livelihood, because of which the victim agreed and then without consent of her parents, she was abducted by the applicant and the other co-accused and was taken to Nasik, where on one occasion, this applicant by use of physical force made attempt of outraging the modesty of the minor victim. Hence, this case.
6. Considered on the submissions and the facts present in the case as it is informed that the co-accused has been granted bail by the Court below itself and further case is not pending for trial, therefore, I feel inclined to allow this application.
7. 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, on condition as imposed by the concerned Court.
8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge