

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 9125 of 2020**

Vijay Vishwakarma S/o Ramesh Vishwakarma Aged About 29 Years
Resident Of Village Ganj Ke Pichhe, Kharsiya, Police Station And Tahsil
Kharsiya, District Raigarh Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Sakti,
District Janjgir Champa Chhattisgarh.

---- Respondent

For the Applicant	:	Shri Vivek Kumar Kashyap, Advocate on behalf of Shri Pushpendra Kumar Patel, Advocate.
For the Respondent/State	:	Shri Adil Minhaj, G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****09.03.2021**

Heard.

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.687 of 2018, registered at Police Station – Sakti, District – Janjgir-Champa, Chhattisgarh for the offence punishable under Sections 363, 366A, 376(2)(N) and 417, 34 of the Indian Penal Code and Sections 4 and 6 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 20.06.2020 and has been falsely implicated in this case. The statement of the prosecutrix only shows that the applicant had given lift to

the main accused and the prosecutrix on his motorcycle and therefore, he had no intention for assisting the main accused in the commission of offence. Hence, it is prayed that the applicant be enlarged 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 there is clear evidence to show that the applicant assisted the main accused in abducting the minor prosecutrix, therefore, no case is made out for grant of bail to the applicant.

4. Heard counsel for both the parties and perused the case diary.

5. The case of the prosecution is that main accused – Hemdas abducted the minor prosecutrix and then with the help of this applicant the main accused and the prosecutrix were taken on a motorcycle and dropped in another village from where this applicant left.

6. Considered the submissions and the facts that are present in the case. Looking to the nature of allegation that is present against this applicant, I feel inclined to grant regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. 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. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nimmi