

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 15 of 2021

1. Vinod Kumar Son of Rambilas, Aged About 21 Years, R/o. Village Chanvarsarai, Police Station Raghunath Nagar, District Balrampur-Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh
2. Ramprakash Son of Budhan, Aged About 32 Years, R/o. Village Kundi, Ward No.1, Police Station Basantpur, District Balrampur-Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh, Through - The Station House Officer, Police Station Raghunath Nagar, District Balrampur-Ramanujganj (Chhattisgarh), District : Balrampur, Chhattisgarh

---- Non-applicant

For Applicants – Shri Ramnarayan Sahu, Advocate.

For State/Non-applicant – Shri Gurudev I. Sharan, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

19-03-2021

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 applicants for grant of regular bail. The applicants have been arrested on 10-10-2020 and 13-10-2020 respectively in connection with Crime No.109/2020 registered at Police Station – Raghunath Nagar, District Balrampur-Ramanujganj, Chhattisgarh for the offence under Section 363, 366, 376(2)(a), 506 of the IPC and Section 6 of POCSO Act.

2. At the outset, learned counsel for the applicants prays that he does not want to press the application of applicant No.1.

Therefore, the application filed under Section 439 of the Cr.P.C. by applicant No.1 for grant of regular bail is dismissed as not pressed. He shall have liberty to file repeat application after examination of the prosecutrix.

3. It is submitted by learned counsel for applicant No.2 that this applicant has been falsely implicated. There is no allegation of abduction or rape against him. He is in jail since 13-10-2020. Therefore, it is prayed that applicant No.2 be granted bail.

4. Learned counsel for the State/non-applicant opposes the application of applicant No.2 submitting that there is clear evidence about his giving assistance to the main accused persons for commission of offence of abduction and rape. Therefore, his application may be rejected.

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

5. According to the prosecution case, it is alleged that applicant Vinod Kumar abducted the minor prosecutrix and then she was raped by applicant Vinod Kumar as well as another co-accused Rakesh Agariya. The allegation against applicant No.2 Ramprakash is this, that he gave shelter to the accused persons and the prosecutrix.

6. Considered on the submissions. Looking to the nature of allegation present against applicant No.2 and also that he is not involved in commission of other offences, I feel inclined to allow the prayer for grant of regular bail made by applicant No.2.

7. Consequently, the application of applicant No.2 for grant of regular bail is hereby allowed. It is directed that applicant No.2-Ramprakash 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.

8. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge