

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C.No. 3013/2015**

Mangalsai S/o Late Bahnnoo Ram Korwa aged about 40 year R/o Village Raghunathpur (Korwapara) Police Station Lundra District (Revenue & Civil) Surguja (C.G.)

---Applicant**Versus**

State of Chhattisgarh Through Police Station Gandhinagar District (Revenue and Civil) Surguja (C.G.)

---Non-applicant

For Applicant	:	Mr. S.D. Singh, Advocate
For Non-applicant	:	Mr. Vivek Singhal, P.L.

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****01/07/2015**

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. 61/2015, registered at Police Station Ghandhinagar District (Revenue & Civil) Surguja (C.G.), for the offence punishable under Sections 363, 366, 368, 376 of Indian Penal Code & 03, 04, 05 of POCSO Act.

2. Case of the prosecution, in brief, is that on 12/03/2015 co-accused Pintu committed sexual intercourse with the prosecutrix and present applicant concealed presence of kidnapped prosecutrix and co-accused Pintu.

3. Learned counsel for the applicant would submit that there is no allegation of rape against the present applicant and only allegation that he has concealed presence of prosecutrix and co-accused Pintu. He would further submit that applicant is in jail since 14/04/2015, therefore, he may be

released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that co-accused Pintu and the prosecutrix stayed in the house of present applicant for two days.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts and circumstances of the case; further taking into consideration the nature and gravity of offence; role of the present applicant in the instant case; allegation of rape against other co-accused Pintu and pretrial detention of the applicant, this Court is of the opinion that present is the fit case, in which, the applicant should be enlarged on regular bail.

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 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.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE