

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4829 of 2015**

1. Anil Kumar Ber, S/o Late Ratilal Ber, aged about 27 years,
2. Sunil Kumar Ber, S/o Late Ratilal Ber, aged about 24 years.

R/o – Village – Kusma, Post-Bamhani, Police Station & Tahsil – Kondagaon, District – Kondagaon (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh through the Station House Officer, Police Station – Gariyaband, District – Gariyaband (Wrongly mentioned as District – Raipur in the rejection order) C.G.

---- Non-applicant

For Applicant:	:Mr. Shivendu Pandya, Advocate.
For Non-applicant/State	:Mr. Aditya Sharma, PL

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****14/09/2015**

Heard.

(1) The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure for releasing them on regular bail during trial in connection with Crime No. 93/2015 registered at Police Station Gariyaband, District Gariyaband for the offences punishable under Sections 363, 366, 376 & 368/34 of the Indian Penal Code and Sections 4,6 & 12 of the Protection of Children from Sexual Offences Act,

2012.

(2) Case of the prosecution, in brief, is that one co-accused Suraj Barle committed sexual intercourse with the minor prosecutrix in the house of the present applicant and thereby committed the aforesaid offences.

(3) Counsel for the applicants submits that there is no allegation of rape & kidnapping against the present applicant and only allegation against the applicant is that he bonafidely provided accommodation to co-accused – Suraj Barle. He further submits that applicants are in jail since 20.07.2015; and the charge sheet is yet to be filed but substantial investigation has already been made and, therefore, the applicant may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts & circumstances of the case; the considering the facts that there is no allegation of rape & kidnapping against the applicants and considering their role in the offence in question; further considering their pre-trial detention and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicant on bail. Accordingly, the application is allowed.

(6) Accused/applicants are directed to be released on bail on their executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court.

They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
Judge

D/-