

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 4690 OF 2015**

Harikrishna/Harekrishna Satnami, S/o Prasanna Satnami, aged about 45 years, R/o Village Kanter, Post Office & Police Station Dharamgarh, District Kalahandi (Odisha)

---Applicant**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	:	Mr. Aditya Sharma, P.L.

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

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. 93/2015, registered at Police Station Gariyaband, District Gariyaband (C.G.), for the offence punishable under Sections 363, 366, 376 & 368/34 of I.P.C. and 4, 6, 12 of the Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that co-accused Suraj Barle kidnapped minor prosecutrix and committed sexual intercourse with her and present applicant provided accommodation to them.

3. Learned counsel for the applicant would submit that applicant has not committed any offence and has been falsely implicated in offence in

question. He would further submit that there is no allegation of rape against the present applicant and he is being bonafide believing upon co-accused and provided accommodation. He would lastly submit that applicant is in jail since 20/07/2015 therefore, he may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

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; pretrial detention of the applicant and no allegation of rape against the applicant and only allegation of providing accommodation, 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 trial Court, for his appearance as and when directed.

9. Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
JUDGE