

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No.5977 of 2015

1. Ganesh Das, son of Dukhidas, aged about 45 years, R/o Village Suwarpara, Police Station Batouli, District Sarguja (C.G).
2. Basant Das, son of Bir Sai, aged about 65 years, R/o Village Sarmana, Bhandardand, Police Station Batouli, District Sarguja (C.G). --- **Applicants**

Versus

State of Chhattisgarh through Station House Officer, Police Station :
Ambikapur, District Sarguja (C.G) --- **Non-applicant**

For the applicant	:	Mr. Vivek Kumar Pandey, Advocate
For the Respondent	:	Mr. Anupam Dubey, Dy. Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

16.11.2015

1. This is an application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 478/2015 registered at P.S. Ambikapur, Distt. Sarguja (C.G) for the offence punishable under Sections 363, 366-A, 368, 376 of IPC and Sections 3A & 4 of Protection of Children from Sexual Offences Act, 2012.
2. As per the prosecution case, on 30.08.2015, the other co-accused Nittu Das came to the house of prosecutrix and took her to the house of the applicants who were father and maternal grand-father (Nana) of the main accused Nittu Das. The further case of the prosecution is that at the time of incident, the prosecutrix was minor.
3. Learned counsel for the applicants submits that only the allegation against the present applicants is that they helped the main accused in accommodating the prosecutrix and accused Nittu Das and gave them shelter in their house and no further allegations have been

made against these applicants. He further submits that neither they have abducted the girl nor abetted the crime and therefore prays for releasing the applicants on regular bail.

4. Per contra, learned State Counsel opposes the prayer for grant of bail.
5. Having regard to the role played by these applicants and applicant No.1 is father of and applicant No.2 is maternal grand father of main co-accused Nittu and the prosecutrix and main accused stayed in their house and thus considering the nature of role played by the applicants, I am inclined to release them on bail.
6. Accordingly the bail application is allowed and the applicants are directed to be released on bail on each of them furnishing a personal bond in sum of Rs.25,000/- with one surety each 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 as may be given by the trial Court.
7. Cc as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**