

HIGH COURT OF CHHATTISGARH, BILASPUR
M.Cr.C.No.390 of 2016

1. Anand Ram Bashor S/o Lalsay Bashor, aged about 27 years,
 2. Smt.Tulsi W/o Anandram Bashor, aged about 25 years,
- Both are R/o Sundarpur, Police Station Sonhat, Civil and Revenue District Korea (CG)

---Applicants

Versus

State of Chhattisgarh Through: Station House Officer, Police of Police Station – Sonhat, District- Korea (CG)

---Non-applicant

For Applicants	:	Mr. Anil Gulati, Advocate
For Non-applicant	:	Mr. D.R.Minz, Dy.G.A.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/02/2016

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 applicants who have been arrested in connection with Crime No.116/2015, registered at Police Station-Sonhat, District-Korea (C.G.), for the offence punishable under Sections 363, 366, 368, 376 & 506 of the IPC and Sections 4, 6, 17, 18 & 21 of Protection of Children from Sexual Offences Act, 2012.

2. Case of the prosecution, in brief, is that on 7.10.2015 one co-accused Sambhu kidnapped the minor prosecutrix and committed rape with her and the present applicants abetted the commission of offence of rape and thereby the aforesaid offence.

3. Learned counsel for the applicants would submit that the applicants have not committed any offence and they have falsely been implicated in the case. It is the co-accused Sambhu who has kidnapped, abducted and committed rape with the minor prosecutrix. They have no role in offence in question and

they are in jail since 26.10.2015. He would further submit that there is delay of 14 days in lodging the F.I.R, charge-sheet has already been filed and no further interrogation is required to be taken, therefore, they may be released on bail.

4. On the other hand, learned counsel for the State would oppose the bail application and submit that the applicants are guilty of abetting the commission of offence of rape and other allied offences and therefore, they are not entitled to be released on bail.

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

6. Taking into consideration the facts & circumstances of the case, nature & gravity of the offence, role of the present applicants in offence in question, the fact that actual offence of rape is alleged to have been committed by co-accused Shambhu, there is delay of 14 days in lodging the F.I.R., charge-sheet has already been filed, no further interrogation is required and the fact that they are in jail since 26.10.2015, this Court is of the opinion that present is a fit case, in which, the applicants 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 the applicants shall be released on bail on their furnishing a personal bond in the sum of **Rs.25,000/-** each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

9. Certified copy as per rules.

Sd/-

(Sanjay K. Agrawal)
JUDGE

B/-