

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 4276 of 2016

- Dubraj Pando S/o Late Amirsai Aged About 44 Years R/o Jampani, Pando, P.S. Basti Baikunthpur, District Korea, Chhattisgarh. --- **Petitioner**

Versus

- State of Chhattisgarh through Station House Officer, Police Station Baikunthpur, District Korea, Chhattisgarh. --- **Respondent**

For the applicant	:	Mrs. Indira Tripathi, Advocate
For the Respondent	:	Mr. Anil S. Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

03.08.2016

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 70/2016 registered at P.S. Baikunthpur, Distt. Korea (C.G) for the offence punishable under Sections 363, 376, 342, 506, 368, 376(i)(k)(l) of IPC and Sections 4, 17, 10 & 2, 5 & 6 of the Protection of Children from Sexual Offences Act.
2. As per the prosecution case, son of the applicant namely Ravi Pando enticed the minor girl, took her away and kept in his parents' house and thereafter committed forcible sexual intercourse. The allegation against the applicant is that he gave shelter to his son and the victim, thereby the offence is committed.
3. Learned counsel for the applicant submits that when the son of applicant came with the girl this fact was informed by the wife of applicant at his instance to the mother of victim girl that their son has come and kept their daughter in the house

and requested them to take away the girl and therefore, the applicant has neither abetted any crime nor participated in such act. She further submits that under the circumstances no offence is made out against him and considering the fact that this applicant is father of the main accused Ravi Pando, he may be enlarged on bail.

4. Per contra, learned State Counsel opposes the grant of bail.
5. Perused the statement of the mother of the victim Kurmi Tirki and also the statement of victim which show that the applicant has objected why the accused has kept the girl in their house and at his instance, his wife also informed to the mother of victim raising objection.
6. Taking into such statements and the degree allegations levelled against him and the role played by him, I am inclined to allow this bail application.
7. Accordingly, the bail application is allowed and the applicant is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court. He shall also appear before the trial Court as and when directed by the said Court.

C.c. as per rules.

Sd/-

**GOUTAM BHADURI
JUDGE**