

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7603 of 2015

Devchand Uraon, S/o. Nan Sai, Aged About 26 Years, R/o. Village Dakwa, Sadakpara, Chowki Bariyon, P.S. Rajpur, Distt. Balrampur – Ramanujganj, Chhattisgarh

---- Applicant

Versus

State Of Chhattisgarh, Through the Station House Officer, Police Station Darima, Distt. Sarguja, Chhattisgarh

---- Respondent

For Applicant : Mr. Jitendra Shrivastava, Advocate

For Respondent : Mr. Ashutosh Pandey, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14.01.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.135/2015, registered at Police Station– Darima, District Sarguja (C.G.) for the offence punishable under Section 363, 366 & 376 of Indian Penal Code and Section 3/4 (2 ढ) of the POCSO Act, 2012.
2. Case of the prosecution, in brief, is that on 01.11.2015 the other co-accused Hari Uraon enticed the victim who was minor and on the allurements of marriage took her to the house of the present applicant Devchand Uraon who is brother-in-law of the main accused Hari Uraon. Thereafter, on the promise of marriage, Hari Uraon committed sexual intercourse with the girl and it is alleged that this applicant also pressurised the girl to perform marriage with

Hari Uraon and gave shelter to Hari Uraon and victim who was minor; therefore, the offence has been committed.

3. Learned counsel for the applicant submits that the main allegation of rape is against Hari Uraon and that to Hari Uraon was in love relation with the victim and stay at the house of the applicant and the only allegation against this applicant is that he gave shelter to Hari Uraon, therefore, he may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel appearing for the parties and perused the case diary.
6. Considering the statement and allegations and the fact that the main allegations are against Hari Uraon and the allegation against this applicant is that he only gave shelter to the victim and other co-accused in his house, therefore, without any observation on merit, taking into the fact that the applicant is in jail since 10.11.2015, I am inclined to release the applicant on 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 his furnishing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Judge