

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2583 of 2016

1. Foolchand Sahu, S/o. Shri Narayan Sahu, Aged About 35 Years.
2. Smt. Bhumisuta Sahu, W/o. Shri Foolchand Sahu, Aged About 30 Years.
3. Mukesh Sahu, S/o. Shri Dewarchan Sahu, Aged About 22 Years.

All by Caste Teli, R/o. Village Harrattar, Police Station Saraipali,
Tahsil Saraipali, Civil & Revenue District Mahasamund,
Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through Police Station Saraipali, Tahsil
Saraipali, Civil & Revenue District Mahasamund, Chhattisgarh

---- Respondent

For Applicants : Mr. Jameel Akhtar Lohani, Advocate

For Respondent : Mr. Sumit Jhanwar, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

22.06.2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested in connection with Crime No.504/2015 registered at Police Station Saraipali, District Mahasamund (C.G.) for the offence punishable under Section 363, 366, 376/34 of Indian Penal Code, 1860 and Section 04 of the Protection of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that a report was made on 17.12.2015 by the father of the victim girl, who is minor, that his girl was taken away from the lawful guardianship by Pali @ Vikky and thereafter an investigation was made and it was revealed that the

present applicants have supported the said Vikky @ Pali and allowed the victim and Vikky to fled away to Punjab and further a mobile was also provided by one of the present applicant to contact with Pali @ Vikky.

3. Learned counsel for the applicants would submit that the entire allegation of commission of rape and taking away the girl are against Pali @ Vikky and only allegation against the applicants are that they have supported the happening of such incident and therefore the applicants may be enlarged on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the prosecutrix recorded under Section 161 & 164 of Cr.P.C. Taking into degree of allegation wherein it is alleged that the applicants have supported the main accused to commit crime and further considering the fact that the charge sheet has been filed, I am inclined to release the applicants on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge