

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3094 of 2016

- Balmik S/o Biphai Baiga Aged About 36 Years R/o Village Mehdauli, P.S. Janakpur, District Korea, Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through Incharge Police Station Janakpur, District Korea, Chhattisgarh. --- Respondent

For the applicant	:	Madam Usha Chandrakar, Advocate
For the Respondent	:	Mr. Anant Bajpai, Panel Lawyer.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

23.06.2016

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. 47/2016 registered at P.S. Janakpur, Distt. Korea (C.G) for the offence punishable under Sections 363, 366 & 376 of IPC and Sections 4, 5, 6, 8, 9, 10, 19 & 21 of Protection of Children from Sexual Offence Act, 2012.
2. As per the prosecution case, one missing report was made by the father of girl on 07.03.2016 as the other co-accused Shiv Prasad took away the minor girl from the lawful guardianship of father/mother on the pretext of marriage and thereafter he committed sexual intercourse. The allegation against the present applicant is that he is father of the main accused Shiv Prasad who had given shelter and Shiv Prasad along-with girl stayed in the house of the present applicant Balmik for 3 days.
3. Learned counsel for the applicant submits that the main

allegations are levelled against Shiv Prasad, who never stayed in the house of the applicant at the relevant time and both the girl and co-accused Shiv Prasad ran away. Since Shiv Prasad was absconding, the present applicant was made accused, therefore, considering the fact, the applicant may be enlarged on bail.

4. Per contra, learned State Counsel opposes the bail.
5. Considering the facts and circumstances of the case and taking into degree of allegations made against the applicant and the role played by him who is father of other accused Shiv Prasad, I am inclined to release the applicant on bail.
6. 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