

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 3617 of 2016

Yashwan (Ashwan), S/o. Motiram Satnami, Aged About 46 Years,
Occupation Agriculturist, R/o. Village Bodhipara, Mungeli, Tehsil & Police
Station Mungeli, Civil & Revenue District Mungeli, Chhattisgarh.

---- Applicant

Versus

The State Of Chhattisgarh, Through Station House Officer, Police Station
Nandghat, Civil & Revenue District Bemetara, Chhattisgarh

---- Respondent

For Applicant : Mr. P.P.Sahu, Advocate

For Respondent : Mr. Vinod Tekam, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

15.07.2016

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.160/2014 registered at Police Station- Nandghat, District Bemetara (C.G.) for the offence punishable under Section 363, 366, 368, 376, 349 of Indian Penal Code and Section 5, 6 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 07.06.2014 a report was made by the father of the prosecutrix that his daughter aged about 15 years was missing from 06.06.2014. Subsequently his daughter was recovered on 22.10.2014. It is alleged that on the pretext of marriage one Rijesh & Rijju took away the prosecutrix to Delhi, Pune and Noida and committed sexual intercourse with her. The allegation against the present applicant is that he is the father of the

accused Rijesh who gave shelter to his son and the girl before they left to Pune.

3. Learned counsel for the applicant would submit that only allegation against this applicant is that he helped Rijesh, his son, while the girl was with him and gave him shelter only for one night and therefore, the applicant has not committed any offence. He further submits that the charge sheet has been filed and the applicant is in jail since 07.04.2016, therefore, he may be released on bail.
4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the case diary and statement of the prosecutrix. Considering the facts and circumstances of the case and the role played by this applicant and further considering the nature of offence and degree of allegation and the fact that the applicant is in jail since 07.04.2016, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- with one local surety in the like sum to the satisfaction of the concerned trial Court, for his appearance as and when directed.

Sd/-
(Goutam Bhaduri)
Judge