

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 5199 of 2016

1. Naresh Rai, S/o. Shri Hewanchand Rai, aged about 41 years, R/o. Village- Bargawan, Police Station – Marwahi, Tahsil – Marwahi, Civil and Revenue District – Bilaspur (C.G.)

----Applicant

Versus

1. State of Chhattisgarh, Through : S.H.O., Police Station – Pendra, District – Bilaspur (C.G.)

---- Respondent

For Applicant : Mr. Arvind Shrivastava, Advocate

For Respondent/State : Ms. Shobha Kashyap, Dy.Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

09/09/2016

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.159/2014, registered at Police Station – Pendra, District – Bilaspur (C.G.) for the offence punishable under Section 363, 376, 506, 34 of Indian Penal Code and Section 3 & 4 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that on 29.07.2014 a report was made by the prosecutrix alleging that on 26.07.2016 after closure of the school while she was roaming around with her friend, one of

other co-accused namely Ankit Rai came there and took her in the car, roam around to different places and in the night they went to the house of the present applicant, wherein they stayed and she was subjected forceful rape by the other co-accused Ankit Rai. Thereby the offence has been committed.

3. Learned counsel for the applicant submits that only allegation of giving shelter is over the present applicant and he has not committed any crime and the Ankit Rai, the other co-accused being the relative came in the night and he gave him shelter. It is further submitted that the applicant tried to get anticipatory bail, however, after conviction of the co-accused, Ankit Rai, he himself surrendered before the Court and he is in jail since 28.07.2016, therefore, the counsel prays that the applicant may be enlarged on bail.
4. On the other hand, learned counsel for the State opposes the bail application.
5. I have heard learned counsel appearing for the parties.
6. Perused the case diary and the documents. Considering the nature of allegation and the fact that the applicant has only given shelter and he is in jail since 28.07.2016 and further considering the facts and circumstances of the case, this Court is of the opinion that present is a fit case, in which, the applicant should be enlarged on regular 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

Balram