

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5441 of 2017

Firoza W/o Filmaun, Aged About 26 Years R/o Village Kewti, Police Station Kelhari, District Korea (Chhattisgarh).

---- Applicant

Versus

State Of Chhattisgarh Through Police Station Janakpur, District Korea (Chhattisgarh).

---- Respondent

Shri D. Kushwaha, counsel for the applicant/s.
Shri Shashank Thakur, Govt. Advocate for the State.

Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

21/11/2017

Heard.

The applicant has been arrested in connection with Crime No.42/2017 registered at Police Station – Janakpur, District – Korea (CG) for alleged commission of offences under Section 363, 366, 376 (2) (a), 368 of IPC and Section 5, 6, 19, 21 of Protection of Children from Sexual Offence Act and Section 3 (1) (12), 3 (2) (5) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

2. Case of the prosecution is that the co-accused – Mohd. Nafees eloped with the victim, a minor and they resided in the house of the applicant where the co-accused alleged to have committed rape on the prosecutrix.

3. Learned counsel for the applicants submits that in so far as present applicant is concerned, the only allegation is that the co-accused brought the prosecutrix to her house because the applicant happened to be the sister of the co-accused. He submits that even according to the prosecution, the victim and the co-accused had an affair and they came to the house of the applicant and bonafide believing that the prosecutrix is a major, did not cause any obstruction.

4. On the other hand, learned State counsel opposes bail application and submits that the applicant was fully knowing that the prosecutrix was minor and even then allowed her brother to keep the victim in her house. Therefore, the applicant is also involved.

5. Taking into consideration the submission of learned counsel for the parties, particularly taking into consideration the nature of allegations, role played by the applicant and that the allegation is only of harbouring offender, there being story of affair between the victim and the co-accused and that the prosecutrix is aged 17 years, I am inclined to grant bail to the applicant.

6. Accordingly, the application is allowed. It is directed that the applicant shall be released on bail on furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the Trial Court. She shall appear before the Trial Court regularly on each and every date, unless exempted from appearance.

Certified copy as per rules.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge