

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 5750 OF 2017

Milan Singh Bandhe, S/o Jaduram, aged about 31 years, residing at Village Adhikari Munda, P.S. Umarkot, District Navrangpur (Orrisa)

... Applicant

Versus

State of Chhattisgarh, through the Police Station Kanker, District North Bastar Kanker (C.G.)

... Respondent

For Applicant	:	Mr. P.K. Tulsyan, Advocate.
For Respondent-State	:	Mr. Gary Mukhopadhyay, Dy. Govt. Advocate.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. The present is an application filed under Section 439 of CrPC seeking for grant of bail to the Applicant who is in jail since 4.3.2017 in connection with Crime No.80/2017 registered at Police Station- Kanker, District North Bastar Kanker, for the offence punishable under Sections 363, 366, 376(2) and 34 of IPC and Section 4 of the POCSO Act.

2. As per the prosecution, allegation against the Applicant is that in connivance with the other co-accused persons he is said to have aided the main accused, Laxmidas, in having a physical relationship with the Prosecutrix and thereafter the Applicant is said to have further assisted the main accused Laxmidas and the Prosecutrix to be taken to Orrisa at his sister's house.

3. Learned Counsel for the Applicant submits that in the statement recorded under Section 161 of CrPC before the Magistrate, the Prosecutrix has not named the Applicant at all of having committed any offence. So far as the statement recorded under Section 164 of CrPC is concerned, the only allegation against the Applicant is that when the main accused, Laxmidas, had brought the Prosecutrix to his house, the Applicant took

them to his sister's house. That the main accused Laxmidas and the present Applicant are the real brothers and this is the reason that he took them to their sister's house.

4. The said facts are not disputed by the learned Counsel for the State on verification of the case diary.

5. Having considered the entire facts and circumstances of the case and also the nature of allegations levelled against the Applicant and further taking into account the period of custody already undergone by the Applicant, this Court is of the opinion that prima facie a strong case is made out for grant of bail to the Applicant.

6. Accordingly, the application for grant of bail is allowed. It is ordered that the Applicant shall be released on bail on his furnishing a personal bond for a sum of Rs.25,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for his appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge