

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 3756 of 2017**

Khelawan Das S/o Baigadas, Aged About 23 Years Occupation Student, Caste Panika, R/o Village Amgasi, Police Station & Tahsil Lakhanpur, District (Revenue & Civil) Surguja, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Lakhanpur, District (Revenue & Civil) Surguja, Chhattisgarh.

---- Respondent

For the Applicant : Shri Jitendra Shrivastava, Advocate.

For the Respondent/State : Shri Arvind Kumar Shukla, P.L.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****13.11.2017**

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.68 of 2017, registered at Police Station – Lakhanpur, District – (Revenue & Civil) Surguja, Chhattisgarh for the offence punishable under Sections 363, 366, 368 and 376(dha) of the Indian Penal Code, Sections 4, 5(tha), 6 and 17 of the Protection of Children from Sexual Offences Act, 2012 and Section 3 (2) (5) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicant submits that the applicant is in jail since 30.04.2017 and the applicant has been falsely implicated in this case. In this case co-accused - Sampath Das has been granted bail by the Co-ordinate Bench of this Court. The case of the applicant is also similar to that

of the said co-accused and he simply helped main accused - Anohar Das by providing one accommodation for the stay of one night. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect.

4. Heard counsel for both the parties and perused the case diary.

5. As per the case of the prosecutrix in this case, the prosecutrix was aged about 17 years 9 months on the date of incident. The main accused Anohar Das induced the minor prosecutrix, took her to various places and while staying in those places had sexual intercourse with her. On one occasion, applicant – Khelawan Das provided a place for the stay of night to the main accused and the prosecutrix.

6. Considering the submissions made and the contents of the case diary and the fact that the applicant is in jail since 30.04.2017 and also the co-accused against whom similar allegations have been made, has been granted bail by the Co-ordinate Bench of this Court, I am of the considered view that the applicant is entitled for grant of bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that the applicant shall be released on bail on 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.

Sd/-

(Rajendra Chandra Singh Samant)
Judge