

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3666 of 2017

Sampat Das, S/o. Sanjharva Das, Aged About 55 Years, R/o. Ledri, Thana - Jhagrakhand, District - Korla, Chhattisgarh.

----Applicant

Versus

State Of Chhattisgarh, Through : Thana - Lakhanpur, District Surguja, Chhattisgarh. (Thana name wrongly mentioned as Ambikapur)

---- Respondent

For Applicant : Mr. Samir Singh, Advocate

For Respondent/State : Mr. Avinash Singh, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

14/06/2017

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.68/2017, registered at Police Station – Lakhanpur, District – Surguja (C.G.) for the offence punishable under Section 363, 366, 368, 376 of the Indian Penal Code and 4, 5, 6, 17 of Protection of Children from Sexual Offence Act and 3 (2) (V) of the Scheduled Castes and Scheduled Tribes Act.
2. As per the case of the prosecution, in brief, is that on 22.04.2017 a missing report was made by the father of the prosecutrix alleging that his girl is missing. Subsequently, the girl was recovered from the possession of the present applicant on 29.04.2017 and on enquiry it revealed that one another co-accused Anohar Das enticed away the minor girl from the lawful custody of her parents and in the intermittent period, another co-accused and the victim stayed in the house of the applicant, who is maternal uncle. Thereby the offence has been committed.

3. Learned counsel for the applicant would submit that the main allegations have been attributed against the other co-accused- Anohar Das, and the present applicant is the maternal uncle, who only allowed the victim and other co-accused to stay in his house and he has not committed any offence. It is further submitted that charge-sheet in this case has been filed and no further investigation is required, 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 statement of the victim, which shows that victim and the other co-accused stayed in the house of the present applicant for a period of time. Considering the role played by the applicant and further taking into the fact that charge-sheet in this case has been filed, 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.

Certified copy as per rules.

Sd/-
(Goutam Bhaduri)
Vacation Judge