

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

MISC. CRIMINAL CASE NO. 5090 OF 2017

Parmila Harijan, W/o Pyari Ram Harijan, aged about 40 years, R/o Bandhpara, Anrokha, Police Station Bhatgaon, Surajpur, District Surajpur (C.G.)

... Applicant

Versus

State of Chhattisgarh, through Police Station Bhatgaon, District Surajpur (C.G.)

... Respondent

For Applicant	:	Mr. Dashrath Kushwaha, Advocate.
For Respondent-State	:	Mr. D.R. Minj, 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 30.3.2017 in connection with Crime No.73/2017 registered at Police Station- Bhatgaon, District Surajpur, for the offence punishable under Sections 363, 366-A, 376/34 of IPC and Section 4 of the POCSO Act.
2. As per the prosecution, allegation against the Applicant is that the son of the Applicant is said to have abducted a minor girl aged about 13 years and brought her to the house of the Applicant and where the Applicant is said to have given a shelter to her son and also permitted him to stay with a 13 years old girl for a day.
3. Learned Counsel for the Applicant submits that the statement of the Prosecutrix has been recorded under Section 164 of CrPC and she has not stated anything against the Applicant whatsoever and thus the Applicant deserves to be released on bail.
4. Learned Counsel for the State however opposing the bail application submits that the Applicant knowingly had permitted her son, Kamlesh, the main accused, to bring a minor girl and permitted her to stay with him for a

day and therefore considering the nature of offence, the bail application deserves to be rejected.

5. Having heard the contentions put forth on either side, taking into consideration the nature of allegation levelled against the Applicant and also the fact that the main accused appears to be the son of the Applicant and except for permitting a shelter, there does not appear to be any other role which has been played 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 her furnishing a personal bond for a sum of Rs.20,000/- with one surety of the like sum to the satisfaction of the concerned Trial Court for her appearance as and when directed.

Sd/-
(P. Sam Koshy)
Judge