

HIGH COURT OF CHHATTISGARH, BILASPUR

MISC. CRIMINAL CASE NO. 5715 OF 2017

Sonarin Navrange, age 55 years, W/o Shri Itwari Navrange, By caste Satnami, R/o Laldhadhipara, PS & Teh. & Revenue Distt. Mahasamund (CG).

... Applicant

Versus

State of Chhattisgarh, through Police Station Teh. & Revenue Distt. Mahasamund (CG).

... Respondent

For Applicant	:	Shri JA Lohani, Advocate.
For Respondent-State	:	Shri Gary Mukhopadhyay, Dy.GA.

Hon'ble Shri Justice P. Sam Koshy

Order on Board

24/11/2017

1. This is the first bail application seeking for grant of bail to the Applicant who is in jail since 24.07.2017 in connection with Crime No. 379 of 2017 registered at Police Station Mahasamund for the offence punishable under Sections 376,344,506/34 IPC.
2. As per prosecution case, the applicant is said to have provided shelter to the main accused Sushil in abducting and having physical relationship with the prosecutrix, 25 years old girl.
3. Learned Counsel for the applicant submits that a perusal of case diary would show that there is no direct allegation of any sort of act to have been played by the present applicant in the commission of the offence of rape after illegal confinement on the part of the main accused Sushil, and therefore she may be enlarged on bail.

4. Opposing the bail application, learned Counsel for the State submits that it is a case where the prosecutrix is a disabled girl and the present applicant did not come forward to provide help or shelter to the prosecutrix, and therefore the applicant may not be enlarged on bail.
5. Without commenting on merits, considering the totality of the facts and circumstances of the case particularly taking note of 164 statement of the prosecutrix in which there is no allegation whatsoever levelled against the applicant of any nature to have committed, this Court is of the opinion that the present is a fit case where the Applicant can be enlarged on bail.
6. Accordingly, the application for grant of bail is allowed. It is directed that the applicant shall be released on bail on 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