

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 8641 of 2016

- Vidya Dhritlahre S/o Lakhanlal Dhritlahre, Aged About 65 Years R/o Mungeli, Police Station, Tahsil And District- Mungeli Chhattisgarh.

---- Petitioner

Versus

- State of Chhattisgarh Through- Station House Officer, Police Station- Baradwar, District- Janjgir-Champa Chhattisgarh.

---- Respondent

For Applicants : Mr. Awadh Tripathi, Advocate

For Respondent/State : Mr. Neeraj Jain, Govt. Advocate

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

11-01-2017

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicants who have been arrested on 24-7-2016 in connection with Crime No. 149 of 2003, registered at Police Station Bardwar, District Janjgir Cdhampa (CG) (CG) for the offence punishable under Section 363, 366, 376, 34 of the IPC.
2. Case of the prosecution, in brief, is that a report was made by Panchram, father of the prosecutrix that in the year 2003 son of the applicant namely Yogesh enticed away the minor girl from lawful guardianship of her parents on the pretext of marriage and thereafter committed sexual intercourse with her. It is further alleged that present applicant being father of Yogesh, gave shelter and started helping him and thereby in connivance with each other they have committed the aforesaid offence.
3. Learned counsel appearing for the applicant would submit that along with son, other family members were also tried before the court below and eventually they were acquitted by order dated 26-3-2012 passed by this Court in Criminal Appeal No.208 of 2004 and a copy thereof is

placed on record. The case of the present applicant is similar to that of other co-accused persons who have been acquitted. He would further submit that earlier the applicant was shown to be absconded but he is in jail since 24-7-2016. He would further submit that charge-sheet has been filed in this case and no further investigation is required, therefore, he may be released on bail.

4. On the other hand, learned State counsel opposes the prayer for grant of bail.
5. I have heard learned counsel for the parties, perused the case diary and documents.
6. Perused the order dated 26-3-2012 passed by this Court in Criminal Appeal No. 208 of 2004 whereby other co-accused persons have been acquitted.
7. Taking into consideration the facts and circumstances of the case, nature of allegations leveled against the applicant and further considering the fact that similarly placed other co-accused have been acquitted by this Court and also the fact charge-sheet in this case has been filed and the applicant is in jail since 24-7-2016 and no further investigation is necessary, I am inclined to release the applicant on bail.
8. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed and it is directed that the 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)
Judge

Raju

