

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 693 of 2018

1. Shivshanker Singh Gond S/o Bandhan Singh Aged About 20 Years R/o Old Godripara, Chirmiri, District Korea Chhattisgarh,
2. Amar Singh S/o Bandhan Singh Aged About 35 Years R/o old Godripara, Chirmiri, District Korea Chhattisgarh, ---
Petitioners

Versus

State of Chhattisgarh through Station House Officer, Police of
Police Station Sonhat, District Korea Chhattisgarh,
--- Respondent

For the applicants	:	Mr. Anil Gulati, Advocate.
For the Respondent	:	Mr. Suryakant Mishra, P.L.

Hon'ble Shri Justice Goutam Bhaduri

Order on Board

26.03.2018

1. This is first bail application filed under Section 439 of the Code of Criminal Procedure seeking grant of regular bail to the applicant in connection with Crime No. 100/2017 registered at Police Station Sonhat, Distt. Korea (C.G) for the offences punishable under Sections 363,366,368, 376 of IPC and Section 6 of the Protection of Children from Sexual Offences Act.
2. Learned counsel for the applicants prays for withdrawal of bail application of applicant No.1 Shivshanker Singh Gond with liberty to file afresh after examination of the prosecutrix.
3. As prayed, the bail application of applicant No.1 is dismissed as withdrawn with the aforesaid liberty.
4. As per the prosecution case, a report was made by complainant Fulbasiya that her grand-daughter was missing from 25.10.2017 and subsequently she was recovered from the possession of Shiv Shankar Singh Gond and it was revealed that Shiv Shankar enticed away the minor girl from the lawful custody and committed forcible sexual

intercourse. The allegation against applicant No.2 Amar Singh is that he has given logistic support and shelter thereby the offence has been committed.

5. Learned counsel for the applicant submits that the applicants have been falsely implicated and the victim herself went away along-with the applicants. He further submits that no allegation is levelled against applicant no.2 Amar Singh and he has been inculpated only on presumption that he gave shelter to the victim girl and Shiv Shankar. He further submits that the charge sheet has been filed; the applicant is in jail since 29.10.2017 and looking to the nature of allegation, applicant Amar Singh may be enlarged on bail.
 6. Per contra, learned State Counsel opposes the bail application.
 7. Considering the nature of allegations levelled against applicant No.2 and the main allegation is attributed to the other accused as also considering the facts that the charge sheet has been filed; no further investigation is necessary and the applicant is in jail since 29.10.2017, I am inclined to allow his bail application.
 8. Accordingly, the bail application of applicant no.2 Amar Singh is allowed and he is directed to be released on bail on his executing a personal bond in sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the concerned trial Court for his appearance before the said Court as and when directed.
- C.c. as per rules.

**Sd/-
GOUTAM BHADURI
JUDGE**