

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7666 of 2017

1. Laxmi Das W/o Sukharam Das Aged About 43 Years R/o Village Jajgi Police Station Lakhanpur, District Surguja Chhattisgarh., Chhattisgarh
2. Sukharam Das S/o Lanja Ram Aged About 60 Years R/o Village Jajgi Police Station Lakhanpur, District Surguja Chhattisgarh., District : Surguja (Ambikapur), Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh S/o Through Police Station Lakhanpur District Surguja Chhattisgarh Police Station Wrongly Mentioned In Impugned Order, Chhattisgarh

---- Respondent

For Applicant : Mr. Akath Kumar Yadav, Advocate.
For Respondent : Mr. Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant
Order On Board

13/02/2018

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 in connection with Crime No. 68/2017, registered at Police Station- Lakhanpur District – Surguja (C.G.) for the offence punishable under Sections 363, 365, 368, 376 (n) r/w 34 of the Indian Penal Code (for short 'IPC') and Section 4, 5 (I), 6, 17 of the Protection of Children from Sexual Offences Act, 2012 & Section 3(2)(5) of Schedule Castes & Schedule Tribes (Prevention of Atrocities) Act, 1989.

2. Learned counsel for the applicants submits that the applicants have falsely been implicated in this case. Applicant No.1 is in jail since 29.04.2017 and applicant No.2 is in jail since 30.4.2017. Only allegation against the applicants is this that they provided shelter to main accused Anohar Das, when he came along with the prosecutrix to stay. There is nothing on record to show that there was any overt act done by these applicants. Hence, it is prayed that they may be released on regular bail.
3. Learned State counsel opposes the bail application and submissions made in this respect. It is submitted that both the applicants have assisted the main accused in commission of offence, hence, they are not entitled for grant of regular bail.
4. Heard both the parties and perused the case diary.
5. The prosecutrix was aged about 17 years on the date of incident when she was induced and abducted by main accused Anohar Das, who by keeping her in various places had committed sexual intercourse with her. It is alleged that both the applicants provided shelter to main accused and prosecutrix on few occasions.
6. Considered.
7. Looking to the allegations as mentioned in the case diary against these applicants, related role played by them and that similarly placed co-accused namely Khilawan Das has already been granted bail by this Court vide order dated 13.11.2017 passed in MCRC No.3756 of 2017, I am of this view that applicants should be benefited with grant of regular bail.
8. Accordingly, the first bail application filed under Section 439 of Cr.P.C. is allowed. It is directed that the applicants shall be released on bail on

their furnishing a personal bond for a sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Sd/-

(Rajendra Chandra Singh Samant)
Judge

Nisha