

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 2841 of 2018

- Prabhu Kumar Shah S/o Bangali Prasad Shah, Aged About 42 Years, R/o- Jawaher Nager, Behind Vaishali Nagar College Atal Awas 5/9, Bhilai District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through- Station House Officer, Chhawani, Bhilai, District- Durg, Chhattisgarh., District : Durg, Chhattisgarh

----Non-applicant

For Applicant – Shri Anurag Jha, Advocate.

For Non-applicant/State – Shri Ashok Swarnkar, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

02-07-2018

1. Heard on the application filed under Section 439 of the Cr.P.C. This is first bail application before this Court filed by the applicant for grant of regular bail. The applicant has been arrested on 22-01-2018 in connection with Crime No.589/17 registered at P.S. - Chhawani, Bhilai, District- Durg, Chhattisgarh for the offence under Section 363, 366, 376 of the IPC with Section 5(g)(L), 6 of the POCSO Act.

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in custody since 22-01-2018. Charge sheet has been filed after completion of the investigation. No case is made out against this applicant, the only allegation in this case against him is this, that he gave shelter to the main accused person and the prosecutrix of this case for one night in his place of residence, which cannot be regarded as offence. Hence, it is prayed that the applicant may be granted regular bail.

3. Learned counsel for the State/non-applicant opposes the application.

4. Heard learned counsel for the parties and perused the case diary.

5. According to the case of the prosecution, main accused Rajat Manjhi

abducted the minor prosecutrix and committed rape with her while staying in different places. The allegation against this applicant is this, that main accused and the prosecutrix stayed for one night in the place of residence of this applicant.

6. After considering on the material present in the case diary, I am of this opinion that this is a fit case for grant of bail to this applicant.

7. Consequently, this application filed by the applicant under Section 439 of the Cr.P.C. for grant of regular bail is hereby allowed. 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 Court, for his appearance as and when directed.

8. Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge