

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 7826 of 2018

Bhagat Singh, S/o. Ramdas, Aged About 65 Years, R/o. Majhartola, Police Station & Tahsil Sonhat, District Korea, Chhattisgarh.

---- Applicant

Versus

State Of Chhattisgarh, Through Station House Officer, Police Of Police Station- Sonhat, District Korea, Chhattisgarh.

---- Respondent

For Applicant : Mr. Anil Gulati, Advocate

For Respondent : Mr. Aditya Sharma, Panel Lawyer

Hon'ble Shri Justice Goutam Bhaduri

Order On Board

30.10.2018

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure for grant of regular bail to the applicant who has been arrested in connection with Crime No.95/2018 registered at Police Station- Sonhat, District Korea (C.G.) for the offence punishable under Section 368 of Indian Penal Code.
2. As per the prosecution case, it is alleged that one Surendra Singh, the accused, enticed the minor girl and took her away from the lawful custody of her parents and thereafter committed rape and during such journey, the girl was kept for a day in the house of the present applicant, who is maternal grand father of the main accused.
3. Learned counsel for the applicant submits that no allegation have been attributed to this applicant, only it is alleged that for a day only the main accused has kept the victim in his house and being a maternal grand father, he has given shelter; therefore, no

offence has been committed and, as such, the applicant may be released on bail.

4. Per contra, learned State counsel opposes the prayer for grant of bail.
5. Perused the statement of the victim. Considering the nature of allegation against the present applicant, I am inclined to release the applicant on bail.
6. Accordingly, the bail application filed under Section 439 of Cr.P.C. is allowed.
7. It is directed that the applicant shall be released on bail on furnishing a personal bond for a 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.

Sd/-
(Goutam Bhaduri)
Judge