

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 5003 of 2019

- Saurabh Kumar S/o Ashok Kumar Gupta, Aged About 20 Years, R/o Ward No. 5, Bemetara, Tahsil and District -Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Station House Officer, Police Station - Bemetara, District - Bemetara Chhattisgarh., District : Bemetara, Chhattisgarh

----Non-applicant

For Applicant – Shri Bharat Rajput, Advocate.

For Non-applicant/State – Shri Shrikant Kaushik, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

28-08-2019

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 19-07-2019 in connection with Crime No.387/2019 registered at Police Station - Bemetara, District Bemetara, Chhattisgarh for the offence under Section 363, 366, 376, 34 of the IPC and 6, 12 of Protection of Children from Sexual Offences Act, 2012 (in short 'POCSO Act').

2. It is submitted on behalf of the applicant that the applicant has been falsely implicated in this case. He is in jail since 19-07-2019. There is no allegation against this applicant regarding commission of offence under Section 363, 366 and 376 read with Section 34 of the IPC and also regarding offence under Section 6 and 12 of POCSO Act. He had simply given shelter to the victims of this case and other cases in his house and had not taken any advantage from those victims. Therefore, it is prayed that he may be granted bail.

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

submitting that this applicant has assisted the main accused persons in this case by giving shelter to the victim of this case. Therefore, he is not entitled for grant of bail.

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

5. According to the prosecution case, co-accused Shubham Gupta and three others sexually exploited the minor prosecutrix and when the family members of the prosecutrix started searching her, the co-accused persons sent the victims to the house of this applicant where this applicant had given shelter to them for some time. The minor prosecutrix who were four in numbers have been recovered by police from the house of this applicant. Hence, this case.

6. Considering that there is no specific allegation against this applicant regarding abduction or sexual exploitation, I feel inclined to allow this application.

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