

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 2072 of 2020**

Libnus Minz S/o Ladkan Minz Aged About 42 Years R/o Village Chitma
Police Station Chalgali, District Balrampur Ramanujganj Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Police Station Chalgali District Balrampur
Ramanujganj Chhattisgarh.

---- Respondent

For the Applicant : Shri Vikas Pandey, Advocate.
For the Respondent/State : Shri Sudeep Verma, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****15.06.2020**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.143 of 2019, registered at Police Station – Chalgali, District – Balrampur-Ramanujganj, Chhattisgarh for the offence punishable under Sections 363, 366(A) and 376(2-I) read with Section 34 of the Indian Penal Code and Sections 4, 6, 9 and 17 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant is in jail since 27.12.2019 and has been falsely implicated in this case. No case is made out against the applicant on the basis of the material placed before the Court by the prosecution. This applicant is not the main accused. The only

allegation against him is that he gave shelter to the main accused and the minor prosecutrix in his house. Hence, it is prayed that the applicant be enlarged on bail.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that the age of minor girl in this case was below 16 years, therefore, the applicant has committed a wrongful act by giving shelter to the accused and the minor victim in his house. Hence, no case is made out for grant of regular bail to the applicant.

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

5. According to the prosecution case, the prosecutrix of age below 16 years went missing on 25.12.2019. The father of the prosecutrix learnt on enquiry that accused – Francis Minj had abducted the minor prosecutrix. The prosecutrix was recovered from the house of this applicant, thereafter, the prosecutrix has given a statement regarding the commission of offence of rape by co-accused – Francis Minj.

6. After considering the nature of allegation present against the applicant, I am of the considered view that this is a fit case for grant of regular bail to the applicant.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge