

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.CR.C. No. 3478 of 2020

1. Smt. Rohani Nishad, W/o. Shivcharan Nishad, aged about 23 years
 2. Shivcharan Nishad, S/o. Maniram Nishad, aged about 24 years,
- Both are R/o. Village Khatti, Thana Khallari, Tahsil and District Mahasamund Chhattisgarh.

---- Applicants

Versus

State Of Chhattisgarh, Through : Station House Officer, Police Station Tumgaon, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants	: Mr. Vikash Pradhan, Advocate
For Respondent/State	: Mr. Devendra Pratap Singh, Dy.A.G..

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

18/06/2020

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 applicants, who have been arrested in connection with Crime No.48/2020, registered at Police Station – Tumgaon, District – Raipur (C.G.) for the offence punishable under Section 363, 376, 368/34 of the Indian Penal Code and Section 4 & 6 of POCSO Act, 2012.

2. It is submitted by the learned counsel for the applicants that the applicants have been falsely implicated in this case. No case is made out against the applicants. The applicants are in jail since 08.05.2020. The only allegation against the applicants is this that they gave shelter to the main accused and the minor victim in their house. Hence, it is prayed that the applicants may be enlarged on regular bail.
3. On the other hand, learned counsel for the State opposes the bail application. It is submitted that according to the statement given by the prosecutrix, it is alleged that these applicants forcefully kept the prosecutrix in confinement in their house and thus they facilitated the commission of offence of rape in their house. Therefore, they are not entitled for grant of bail.
4. I have heard the learned counsel for both the parties and perused the case diary.
5. According to the prosecution case, it is alleged that the main accused – Bhupendra Nishad abducted the minor prosecutrix of age about 16 years 6 months and he exploited her sexually. The allegation against these applicants is this that they gave shelter to the main accused and the victim to their house from 25.04.2020 till the date of recovery of the prosecutrix on 07.05.2020. Hence, this case.
6. Considering on all the facts and circumstances of the case and the nature of allegation against the present applicants, this Court is of the opinion that present is a fit case, in which, the applicants should be enlarged on regular bail.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.
8. It is directed that applicants shall be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- with one surety each in the like sum to the satisfaction of the concerned trial Court, for their appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge

Balram