

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.1492 of 2021

- Govinda Dhritlahare S/o Mulchand Dhritlahare Aged About 21 Years
Caste Satnami, R/o Village Banarsi, Police Station And Tahsil Arang,
District Raipur Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through The Station House Officer, Police Station
Tumgaon, District Mahasamund Chhattisgarh

---- Non-applicant

For Applicant : Mr. Shikhar Sharma, Advocate.

For Non-applicant/State : Mr. B.P. Banjare, Dy. G.A.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

12-04-2021

1. Heard on the application filed under Section 439 of the Cr.P.C. This is the first bail application filed for grant of regular bail. The applicant has been arrested on 02.02.2021, in connection with Crime No.28/2021, registered at Police Station-- Tumgaon, District- Mahasamund, C.G. for offence punishable under Section 363, 366 and 376 (2)(b) of I.P.C. and Section 04 and 06 of POCSO Act.
2. It is submitted by the learned counsel for the applicant, that the applicant is innocent and has been falsely implicated in this case regarding the commission of offence of abduction and rape etc. The only statement of the prosecutrix against this applicant was this that he had knowledge that the main accused had abducted the prosecutrix and also he has kept her in his custody and exploited her. The applicant is innocent, hence, it is prayed that he may be granted bail.
3. Learned counsel for the State/non-applicant opposes the application

and submits that the statement of the prosecutrix shows that this applicant acted in facilitating the commission of offence to the main accused, therefore, he is not entitled for grant of bail.

4. Notice was issued to the complainant, as the age of prosecutrix was below 16 years. Notice has not been returned served. As there is no allegation of rape against this applicant, therefore, it can be heard without notice to the complainant side.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the main accused Rupendra abducted the minor prosecutrix of age 13 years and 5 months then brought her to the place of her maternal uncle, where he kept her in his custody and exploited her sexually. Applicant is one of the sons of the maternal uncle of the main accused and had knowledge about the acts of the main accused, therefore, he has been arrayed as an accused in this case. Hence, this case.
7. Considered on the submissions and looking to the nature of allegation present against this applicant and other circumstances, I feel inclined to allow this application.
8. Consequently, this application filed by the applicants 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 two local surety each in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)
Judge