

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

MCRC No. 1843 of 2021

1. Anjali @ Gabbar Markande S/o Teejuram Markande Aged About 25 Years R/o Village- Rawan, Thana- City Kotwali, District- Baloda Bazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh
2. Kiran Jangde S/o Sonchand Jangde Aged About 26 Years R/o Village- Sandi, Thana-Palari, District- Baloda Bazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Applicants

Versus

The State Of Chhattisgarh Through- Police Station- City Kotwali, District- Baloda Bazar-Bhatapara, Chhattisgarh, District : Balodabazar-Bhathapara, Chhattisgarh

---- Respondent

For Applicants	:	Shri Samir Singh, Advocate
For State	:	Shri Ishwar Jaiswal, Panel Lawyer

S.B. Hon'ble Shri Justice Manindra Mohan Shrivastava

Order On Board

06/08/2021

Heard.

1. At the outset, learned counsel for the applicant seeks to withdraw bail application on behalf of applicant No.1- Anjali @ Gabbar Markande.
2. Accordingly, application of applicant No.1- Anjali @ Gabbar Markande is dismissed as withdrawn.
3. Applicant No.2- Kiran Jangde is arrested in connection with Crime No.57/2020 registered in Police Station- City Kotwali, District- Baloda Bazar- Bhatapara (CG) for alleged commission of offence under Sections 363, 366, 376 IPC and Sections 4 & 6 of the Protection of Children from Sexual Offences Act, 2012.
4. Case of the prosecution, in brief, is that co-accused/applicant No.1 kidnapped

minor girl and committed rape on her. Allegation against present applicant is that he provided place of residence to applicant No.1 where rape was committed on the minor prosecutrix.

5. Learned counsel for the applicant would submit that the applicant has not committed any offence. The statement of the prosecutrix has been recorded during trial and it is clear that co-accused and the prosecutrix were having a love affair and there is nothing to show that the applicant knowing fully well that the prosecutrix was minor, shelter was provided. Therefore, it is prayed, applicant- Kiran Jangde may be granted bail.
6. On the other hand, learned counsel for the State opposed the application and submits that though rape was committed by the other co-accused, it is the applicant's house where shelter was provided to the co-accused to commit the offence.
7. Taking into consideration the submissions made by learned counsel for the parties, taking into consideration the nature of allegation and the role alleged to be played by applicant Kiran Jangde and further taking into consideration that he is in jail since 6.2.2020 and trial has not been concluded, I am inclined to allow the application.
8. The application is accordingly allowed and it is directed that applicant- **Kiran Jangde** shall be released on bail on his furnishing a personal bond in the sum of Rs.25,000/- along with one local surety for the like amount to the satisfaction of the concerned trial Court with following further conditions:-
 - (i) The applicant shall not act in any manner which will be prejudicial to fair and expeditious trial; and
 - (ii) The applicant shall appear before the trial Court on each and every date given to him by the said Court till disposal of the trial.
9. Applicant No.1- Anjali @ Gabbar Markande would be at liberty to revive the application in case trial is not concluded within next four months.

Sd/-
(**Manindra Mohan Shrivastava**)
Judge