

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.2853 of 2021

1. Takdir Ram Sarthi S/o Bhadro Ram Sarthi Aged About 57 Years R/o Chainpur, Police Station Lakhanpur, District Surguja Chhattisgarh, At Present R/o Store Dafayee, Police Station Chirmiri District Koriya Chhattisgarh
2. Rajkumar S/o Tirlochan Aged About 21 Years R/o Chainpur, Police Station Lakhanpur, District Surguja Chhattisgarh

---- Applicants

Versus

- State Of Chhattisgarh Through Police Station Incharge Police Station Ambikapur, District Surguja Chhattisgarh

---- Non-applicant

For Applicants : Mr. Bhupendra Singh, Advocate.

For Non-applicant/State : Mr. Sameer Oraon, Govt. Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

13-08-2021

Heard.

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 applicants for grant of regular bail. The applicant No.1 has been arrested on 08.02.2021 and applicant No.2 has been arrested on 13.03.2021 in connection with Crime No.133/2021, registered at Police Station– Ambikapur, District- Surguja, C.G. for offence punishable under Sections 363, 366, 368 and 376 of Indian Penal Code and Section 04, 06 and 17 of POCSO Act.
2. It is submitted by learned counsel for the applicants that the applicants have been falsely implicated in this case. There is no allegation against these applicants regarding commission of offence of rape. The only allegation is that these applicants gave shelter to the main accused in

their respective houses along with the prosecutrix which does not amount to commission of any offence. Hence, it is prayed that these applicants may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that there is clear evidence against these applicants regarding harboring the main accused person. Therefore, they are not entitled for grant of bail.
4. Complainant- Godom Ram is virtually present before this Court through the Help Desk of D.L.S.A. Ambikapur and he has objection in grant of bail to these applicants.
5. Heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the main accused Gopiram abducted the minor prosecutrix, kept her in his custody and took her to different places including the places of residence of these applicants, where he exploited her sexually. Hence, this case.
7. Considering on the submissions. Looking to the role of these applicants in this incident. 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 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 Court, for their appearance as and when directed.
9. Certified copy as per rules.

Sd/-

(Rajendra Chandra Singh Samant)

Judge