

HIGH COURT OF CHHATTISGARH, BILASPUR**M.CR.C. No. 3365 of 2021**

Budhelal Tandon, S/o. Reshlal Tandon, aged about 36 years, R/o. Village Odka, Police Station – Arang, District - Raipur Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Patewa, District - Mahasamund Chhattisgarh.

---- Respondent

AND**M.CR.C. No. 3374 of 2021**

Vinod Khunte, S/o. Shumendra Khunte, aged about 38 years, R/o. Village Amavas Police Station – Tumgaon, District - Mahasamund Chhattisgarh.

---- Applicant

Versus

State of Chhattisgarh, Through : Police Station Patewa, District Mahasamund Chhattisgarh.

---- Respondent

For Applicants : Mr. Priyank Rathi, Advocate

For Respondent : Mr. Sameer Uraon, Govt. Advocate

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order On Board

11/06/2021

1. Both the bail applications are heard and decided together by this common order as they are arising out of the same crime number and incident.
2. These are the first bail applications 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.34/2021,

registered at Police Station – Patewa, District – Mahasamund (C.G.) for the offence punishable under Section 363, 366, 368, 376 (2) (n) of the Indian Penal Code and Section 6 of POCSO Act.

3. It is submitted by the learned counsel appearing on behalf of the applicants that the applicants have been falsely implicated in this case. The allegation against both the applicants is this that they gave shelter to the main accused and the prosecutrix in their respective houses and thus aided in the commission of offence. The applicants are in jail since 06.04.2019 and 19.04.2019 respectively. Therefore, it is prayed that the applicants may be enlarged on regular bail.
4. Learned State counsel opposes both the bail applications and the submissions made in this respect. It is submitted that the act of the applicants had been that of abetment in commission of offence of rape with minor victim, therefore, they are not entitled for grant of bail.
5. The prosecutrix is present virtually on notice through District Legal Services Authority, Mahasamund and she has no objection in grant of bail to the applicants.
6. I have heard the learned counsel for both the parties and perused the case diary.
7. According to the prosecution case, the main accused Kamal Narayan abducted the minor victim and then he took her to place of his uncle applicant- Vinod Khunte's house, where he resided for one day, during which, the co-accused ravished the minor victim and sexually abused her. Subsequent to which, the applicant and the prosecutrix went to the house of the applicant- Budhelal Tandon, where they also stayed for

sometime, during which, the co-accused had made physical relation with the minor prosecutrix.

8. Considered on the submissions. Looking to the nature of allegation against these applicants and also that the prosecutrix herself has no objection in grant of bail to the applicants, hence, under these circumstances, this Court is of the opinion that present is a fit case, in which, both the applicants should be enlarged on regular bail.
9. Accordingly, both the bail applications filed under Section 439 of the Cr.P.C. are allowed.
10. 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