

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4898 of 2021**

- Son Sai, S/o Late Mohan Ram, aged about 40 years, R/o Village Lainga, Police Station Udaypur, District Surguja (C.G.)

---- Applicant**Versus**

- State of Chhattisgarh, Through Station House Officer, Police Station – Lakhanpur, District Surguja (C.G.)

---- Non-applicant

For Applicant	:	Shri Abhishek Pandey, Advocate.
For Non-applicant/State	:	Shri Anil Tripathi, Panel Lawyer.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**Order on Board****24.08.2021**

1. Heard on the application filed under Section 439 of Cr.P.C. This is the first bail application filed for grant of regular bail. The Applicant has been arrested on 20.06.2021 in connection with Crime No. 82 of 2021 registered at Police Station Lakhanpur, District Surguja (C.G.) for the offences punishable under Sections 363, 366, 376, 376(2) (n), 114, 34 of Indian Penal Code and under Section 5 (1) and 6 of the Protection of Children from Sexual Offences Act, 2012.
2. It is submitted by the learned counsel for the Applicant that the Applicant has been falsely implicated in this case. The only allegation present against this Applicant that he gave shelter to the main accused and prosecutrix in his house for one day and night which is not an offence. Hence, the Applicant may be granted the bail.
3. The learned counsel for the State opposes the bail application and submits that the act of the Applicant is can be equated to the offence of abetment for

rape and harbouring the shelter offender in his house, therefore, the application for bail may be rejected.

4. Shri Dhananjay Mishra, Advocate had appeared on 09.08.2021 on behalf of the prosecutrix and objected the grant of bail to the Applicant.
5. I have heard the learned counsel for the parties and perused the record.
6. According to the prosecution case, it is alleged that the co-accused Bheem abducted the minor prosecutrix and exploited her sexually. There is allegation that the co-accused Bheem brought the minor prosecutrix to the house of this Applicant where he gave shelter to them for one day and one night. Hence, this case.
7. Considered on these submissions. Looking to the nature of allegation *i.e.* present against this Applicant and the limited role played by him, I am inclined to allow this bail application. The application is allowed.
8. Consequently, the application filed by the Applicant under Section 439 of Cr.P.C for grant of regular bail is hereby allowed.
9. 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 one surety in the like sum to the satisfaction of the concerned Court, for his appearance as and when directed.

Certified copy as per rules.

Sd/-
(Rajendra Chandra Singh Samant)
Judge