

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

M.Cr.C. No.6475 of 2021

- Bablu @ Lucky Das S/o Late Shri Laxmi Das Aged About 35 Years R/o Aamatoli Police Station Sitapur, District Surguja Chhattisgarh

---- Applicant

Versus

- State Of Chhattisgarh Through Police Station Lakhanpur, District Surguja Chhattisgarh

---- Non-applicant

For Applicant	: Mr. Rohitashva Singh, Advocate
For Non-applicant/State	: Mr. Alok Nigam, Govt. Advocate.
For Prosecutrix	: Mr. Randhir Kumar Trivedi, Advocate.

Hon'ble Shri Justice Rajendra Chandra Singh Samant

Order on Board

29-09-2021

Heard.

1. This is the first bail application filed under Section 439 of the Cr.P.C for grant of regular bail to the applicant who has been arrested on 27.11.2020, in connection with Crime No.85/2020, registered at Police Station-- Lakhanpur, District- Surguja, C.G. for offence punishable under Section 363, 366, 376, 212 and 34 of I.P.C. and Section 4 and 6 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. The applicant has been in jail since 27.11.2020. The allegation of rape and abduction is against the main accused- Sukhraj Das. The only allegation against this applicant is this that he gave shelter to the main accused and the prosecutrix in his house for two days. Therefore, no case is made out against this applicant. Hence, it is prayed that this applicant may be granted bail.

3. Learned counsel for the State/non-applicant opposes the application and submits that the age of victim was only 14 years and there is evidence present against this applicant that he assisted the main accused in commission of offence, therefore, he is not entitled for grant of bail.
4. The prosecutrix is virtually present along with learned counsel Shri Randhir Kumar Trivedi and she has strong objection in grant of bail to the applicant.
5. I have heard learned counsel for the parties and perused the case diary.
6. According to the prosecution case, the main accused- Sukhraj Das abducted the minor prosecutrix, kept her in his custody for some time and then he exploited her sexually on numerous occasions. The allegation against this applicant is only to this extent that he gave shelter to the main accused and the prosecutrix in his house for two days. Hence, this case.
7. Considered on the submissions. Looking to the nature of allegations that are present against this applicant, I am of this view that this applicant should be enlarged on bail.
8. Consequently, this application filed by the applicant 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 one surety 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