

NAFR**HIGH COURT OF CHHATTISGARH, BILASPUR****MCRC No. 7608 of 2021**

- Samay Das Son Of Late Ahibaran Das Panika Aged About 60 Years Resident Of Junadih, P.S. Lakhanpur, District Sarguja (Chhattisgarh)

---- Applicant***Versus***

- State Of Chhattisgarh Through Station House Officer, P.S. Lakhanpur, District Sarguja (Chhattisgarh)

---- Respondent

For Applicants : Shri Pawan Kumar Kashyap, Advocate
 For respondent/State : Shri Amit Kumar Verma, Panel Lawyer

Hon'ble Shri Justice N.K. Chandravanshi**Order On Board****10.11.2021.**

1. This is 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 25.11.2020 in connection with Crime No.85/2020 registered at Police Station Lakhanpur, Distt. Surguja (C.G.), for the offence punishable under Sections 363, 366, 368, 376(2)(n), 376(3), 114, 34 of the Indian Penal Code, 1860 (for short 'IPC') and Sections 4 - 5(L), 6 - 17 of the Protection of Children from Sexual Offences Act, 2012 (for short 'the POCSO Act').

2. Brief facts of the case are that main accused Sukhraj Das, who is the son of present applicant, abducted minor prosecutrix and took her to the place where his father and mother were

residing and repeatedly made physical relation with her. Hence this case.

3. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case only on the ground that he is the father of the main accused Sukhraj Das. He would further submits that charge sheet has been filed, the applicant is in jail since 25.10.2020. He further submits that co-accused Bablu @ Lucky Das has been granted bail by the Coordinate Bench vide order dated 29.9.2021 in MCrC No.6475/2021. Role of present applicant in this crime is very small, hence, he may be enlarged on bail.

4. On the other hand, learned counsel for the State while opposing the bail application submits that it is a case of abduction and rape of minor prosecutrix. The trial is going on hence, the applicant is not entitled for grant of bail.

5. The victim/prosecutrix appeared along with her father before this Court through virtual mode from District Legal Services Authority, Ambikapur. The victim/prosecutrix and her father have made strong objection with regard to the bail application filed by the applicant.

6. I have heard learned counsel for both parties, perused the case diary and the material available on record.

7. Considering the facts and circumstances of the case, the role played by present applicant in the crime in question, his detention period and also considering that charge sheet has

been filed, co-accused Bablu @ Lucky Das has already been released on bail and also the totality of facts of the case, I feel inclined to allow the bail application. Therefore, the application under Section 439 of the CrPC is allowed. It is ordered that if the applicant furnishes one solvent surety for a sum of Rs.25,000/- along with one personal bond of the like sum to the satisfaction of the trial Court concerned for his appearance before the concerned Court as and when directed by the said Court, he be released on bail.

Certified copy as per rules.

Sd/-

(N.K. Chandravanshi)
JUDGE