

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.Cr.C. No. 8070 of 2020**

Ganeshram S/o Kejau Aged About 50 Years R/o Gram Sindhora Police Station Palari, District (Revenue And Civil) Balodabazar- Bhatapara, Chhattisgarh.

---- Applicant**Versus**

State Of Chhattisgarh Through Station House Officer, Police Station Balodabazar (Chowki Karhi), District (Revenue And Civil) Balodabazar- Bhatapara, Chhattisgarh.

---- Respondent

For the Applicant : Shri Sumit Jhawar, Advocate.
For the Respondent/State : Shri D.P. Singh, Dy. A.G.

Hon'ble Shri Justice Rajendra Chandra Singh Samant**ORDER****06.01.2021**

Heard.

1. This is the first bail application filed under Section 439 of the Code of Criminal Procedure, 1973 for grant of regular bail to the applicant who has been arrested in connection with Crime No.590 of 2019, registered at Police Station – City Kotwali, Baloda Bazar, District – Baloda Bazar, Chhattisgarh for the offence punishable under Sections 363, 366, 368 and 376, 34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

2. Learned counsel for the applicant submits that the applicant has been falsely implicated in this case. The only allegation against this applicant is that he provided shelter to the juvenile offender and the prosecutrix in his

house where the offence of rape was committed. The applicant was ignorant about the affair of the juvenile offender and being a relative he had given shelter to him. Hence, it is prayed that the applicant be enlarged on bail during the pendency of trial.

3. On the other hand, learned counsel for the State opposes the bail application and the submissions made in this respect. It is submitted that according to the statement and allegations present against this applicant he is the abettor of the commission of offence by the juvenile offender. Hence, the applicant is not entitled for grant of bail.

4. Heard counsel for both the parties and perused the case diary.

5. The case of the prosecution is that the juvenile offender abducted the minor prosecutrix aged about 16 years and then he found shelter in the place of this applicant in Raipur. While staying in Raipur, the juvenile offender established physical relation with the minor prosecutrix. Thereafter, the prosecutrix was recovered from his custody by the police.

6. Considered the submissions and the facts of the case. As it appears that the charge-sheet has been filed, the case is pending for trial and looking to the nature of allegation that is present against this applicant, I feel inclined to grant bail to the applicant in this case.

7. Accordingly, the bail application filed under Section 439 of the Cr.P.C. is allowed.

8. It is directed that 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 trial Court, for his appearance as and when directed. In case any default is committed by the applicant/s in appearing before the concerned trial Court, this order granting bail shall stand cancelled automatically.

Sd/-

(Rajendra Chandra Singh Samant)
Judge