

**(2018) 06 CHH CK 0124**

**Chhattisgarh High Court**

**Case No:** Miscellaneous Criminal Case (MCRC) No. 3376 Of 2018

Motiram Sahu

APPELLANT

Vs

State Of Chhattisgarh

RESPONDENT

**Date of Decision:** June 25, 2018

**Acts Referred:**

- Indian Penal Code, 1860 - Section 376, 506
- Code Of Criminal Procedure, 1973 - Section 439
- Protection Of Children From Sexual Offences Act, 2012 - Section 6, 8

**Hon'ble Judges:** Sanjay K. Agrawal, J

**Bench:** Single Bench

**Advocate:** Parag Kotecha, Avinash Singh

**Final Decision:** Allowed

**Judgement**

Sanjay K. Agrawal, J

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.163/2017, registered at Police Station-Somni, District Rajnandgaon (C.G.) for the offence punishable under Sections 376, 506 of Indian Penal Code and Section 6 and 8 of Prevention of Children from Sexual Offence Act, 2012.
2. Case of the prosecution, in brief, is that the co-accused Manohar has committed sexual intercourse with the prosecutrix whereas the present applicant has only provided shelter to the co-accused.
3. Learned counsel for the applicant would submit that the applicant has falsely been implicated in crime in question and has not committed any

offence and there is no case of rape against the present applicant. He would also submit that the applicant is in jail since 25.04.2018, charge-sheet has

already been filed, and no useful purpose will be served in detaining him in jail, the applicant may be released on regular bail.

4. On the other hand, learned counsel for the State would oppose the bail application.

5. I have heard learned counsel appearing for the parties and perused the case diary.

6. Taking into consideration the facts & circumstances of the case; further taking into consideration the nature & gravity of the offence; role of the present applicant; and the fact that he is in custody since 25.04.2018, I consider it a fit case, in which, the applicant should be enlarged on regular bail.

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

8. 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 trial Court, for his appearance as and when directed.