

HIGH COURT OF CHHATTISGARH, BILASPURMisc. Criminal Case No.3817 of 2015

1. Ram Avatar Kewat, S/o Late Samay Lal Kewat, aged about 46 years,
2. Munni Kewat, W/o Ram Avatar, aged about 35 years,
3. Anita Kewat, W/o Shivraj Kewat, aged about 22 years,

All are R/o Muram Dafai, Khongapani, District Koriya (C.G.)

---- Applicants

Versus

State of Chhattisgarh, through the Station House Officer, Police Station Jhagrakhand, District Koriya (C.G.)

---- Non-applicant

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| For Applicants:    | Miss Sharmila Singhai, Advocate. |
| For Non-applicant: | Mr. Aditya Sharma, Panel Lawyer. |

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Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

19/08/2015

1. The accused/applicants have moved this bail application under Section 439 of the Code of Criminal Procedure, 1973 for releasing them on regular bail during trial in connection with Crime No.106/2015, registered at Police Station Jhagrakhand, Distt. Koriya, for the offence punishable under Sections 376, 313, 341, 506, 323 read with Section 34 of the IPC, 4, 6 and 17 of the Protection of Children from Sexual Offences Act, 2012.
2. Case of the prosecution, in brief, is that co-accused Shivraj committed sexual intercourse with the minor prosecutrix by which she became pregnant and the present applicants in collusion with said Shivraj subjected the prosecutrix to abortion and thereby committed the offence.
3. Learned counsel for the applicants submits that the applicants have not committed any offence, they have been falsely implicated in the case and

they are in custody since 5-7-2015. In fact, co-accused Shivraj and the prosecutrix had love affair for fairly long time i.e. 4 years and when co-accused Shivraj married Anita Kevat, false report came to be lodged. Charge sheet is yet to be filed.

4. On the other hand, learned State counsel opposes the application.
5. I have heard learned counsel for the parties and perused the case diary.
6. Taking into consideration the nature and gravity of offence, facts and circumstances of the case, role of the present applicants, the fact that rape is alleged to have been committed by Shivraj who is not the applicant herein and pre-trial detention of the applicants, I am of the view that it is a fit case to enlarge the applicants on regular bail. Accordingly, the application is allowed.
7. It is, therefore, directed that the applicants be released on bail on their furnishing a personal bond in the sum of Rs.25,000/- each with one surety in the like sum to the satisfaction of the concerned Court for their appearance as and when directed.

Sd/-  
(Sanjay K. Agrawal)  
Judge