

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**MCRC No. 4008 of 2015**

1. Miss Kamshila Bai, D/o. Kopram, aged about 20 years,
2. Smt. Kope Bai, W/o. Bhunesh, aged about 21 years,

Both are residing at village Ghotpal, P.S. Geedam
Revenue and Civil District South Bastar, Dantewada (C.G.)

---- Applicants**Versus**

State Of Chhattisgarh Through- The Police Station
Geedam District South Bastar, Dantewada (C.G.)

---- Non-applicants

For Applicant: Mr. P.K. Tulsiyan, Advocate.
For Non-applicant/State: Mr. Qamrul Aziz, Panel Lawyer.

Hon'ble Shri Justice Sanjay K. Agrawal**Order On Board****17/08/2015**

Heard.

(1) This is an application filed under Section 439 of the Cr.P.C. for grant of regular bail to the applicants, who have been arrested in connection with crime No.56/2015 registered at Police Station Geedam, District Dantewada for the offences punishable under Sections 376 & 506/34 of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

(2) Case of the prosecution is that on 4.6.2015 one co-accused Kamalu committed sexual intercourse with the minor prosecutrix and the present applicants facilitated him to commit rape and thereby

committed the aforesaid offences.

(3) Counsel for the applicants submits that applicants have not committed any offence and it is the co-accused Kamalu, who has committed rape upon the prosecutrix and, as such, they have been falsely implicated in the offence in question. He further submits that the applicants, being young ladies, aged about 20-21 years, are in jail since 08.07.2015; and the substantial investigation has already been made and, therefore, the applicants may be released on bail.

(4) On the other hand, counsel for the State opposes the bail application.

(5) Taking into consideration the facts and circumstances of the case; further considering the fact that the main allegation of rape against the co-accused- Kamalu, and there is no role of the present applicants in the offence in question; further considering their pre trial detention and the substantial investigation has already been made; this court is of the view that it is a fit case to release the applicants on bail. Accordingly, the bail application is allowed.

(6) Accused/applicants are directed to be released on bail on each of them executing a personal bond in the sum of Rs.25,000/- with one surety in the like sum to the satisfaction of the trial Court. They are directed to appear before the trial Court on each and every date given to them by the said Court till disposal of the trial.

Certified copy as per rules.

Sd/-
(Sanjay K. Agrawal)
Judge

D/-

